

## CHAPTER He-C 6400 PROGRAM AND SERVICE INFORMATION

**Readopt with amendment He-C 6446, effective 2-21-15 (Document #10788), to read as follows:**

## PART He-C 6446 FOSTER FAMILY CARE LICENSING REQUIREMENTS

He-C 6446.01 Scope. The foster family care licensing requirements in He-C 6446 shall apply to applicants, licensed foster parents, household members of the licensed home, child care agencies, child-placing agencies, and licensing agencies.

He-C 6446.02 Purpose. Foster family care licensing requirements set a foundation for what environmental and personal factors are necessary to assure the safety, permanency, and well-being of a child who has been removed from his or her parent(s). Children enter foster family care as a result of circumstances to which they have been exposed. The foster family care licensing requirements support the safety, permanency, and well-being of children by screening and providing support to foster family care applicants to reduce the risk a child being exposed to circumstances that might further trauma experienced by the child. The foster family care licensing requirements support the responsibilities and abilities of a foster parent to provide the child with the most family-like experience and inclusion in normal childhood activities to help him or her reach to his or her fullest potential.

He-C 6446.03 Definitions.

(a) “Applicant” means a person who is applying or has applied for a foster family care license or permit.

(b) “Case manager” means the employee of the child-placing agency who is responsible for the management of the child in care.

(c) “Case plan” means the written plan developed by the staff of the division for children, youth and families (DCYF) with the involved family, pursuant to RSA 170-G:4, III, 42 U.S.C. 671, and 42 U.S.C. 675.

(d) “Central registry” means the state registry of child abuse and neglect reports maintained by the department pursuant to RSA 169-C:35.

(e) “Child” means:

(1) “Child” as defined in RSA 170-E:25, I, namely “any person under 21 years of age.” The term includes “youth”; or

(2) For the purposes of compliance with RSA 126-U, “child” as defined in RSA 126-U:1, I, namely, “a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. ‘Child’ also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma.” The term includes “youth.”

(f) “Child care agency” means “child care agency” as defined in RSA 170-E:25, II, namely “any person, corporation, partnership, voluntary association or other organization either established for profit or

otherwise, who regularly receives for care one or more children, unrelated to the operator of the agency, apart from the parents, in any facility as defined in RSA 170-E and maintained for the care of children.”

(g) “Child in care” means a child who is placed in a foster family home.

(h) “Child-placing agency” means “child-placing agency” as defined in RSA 170-E:25, IV, namely “any firm, corporation or association which:

(1) Receives any child for the purpose of providing services related to arranging for the placement of children in a foster family home, group home, or child care institution; or

(2) Receives any child for the purpose of providing services related to arranging for the placement of children in adoption.”

(i) “Child protective service worker (CPSW)” means an employee of DCYF who has expertise in managing cases to ensure families and children achieve safety, permanency, and well-being referred to the department pursuant to RSA 169-C, RSA 170-B, RSA 170-C, and RSA 463.

(j) “Criminal records” means records of criminal convictions maintained by or accessible through the New Hampshire state police, or the equivalent authority within another state.

(k) “Department” means the New Hampshire department of health and human services.

(l) “Division for children, youth and families (DCYF)” means the organizational unit of the department that provides services to children and youth referred by courts pursuant to RSA 169-A, RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-B, RSA 170-C, RSA 170-H, and RSA 463.

(m) “Foster family home” means “foster family home” as defined in RSA 170-E:25, II(a)(1), namely, “child care in a residence in which family care and training are provided on a regular basis for no more than 6 unrelated children, unless all the children are of common parentage. The maximum of 6 children includes the children living in the home and children received for child care who are related to the residents.”

(n) “Foster parent” means an individual who has a license or permit for foster family care.

(o) “Health care” means medical, dental, and psychiatric diagnostic and treatment services.

(p) “Home study” means the written assessment and evaluation of the foster family home and the household conducted as part of the application process.

(q) “Home visit” means announced or unannounced meetings with the foster family in the foster family home.

(r) “Household member” means any individual who resides in the foster family home or might reside there during any time that there is a child in care.

(s) “Initial license” means the first license issued for foster family care.

(t) “In-service training” means competency-based courses in child care, child development, and other related topics that are required of foster parents pursuant to He-C 6446.20.

(u) “Juvenile probation and parole officer (JPPO)” means an employee of DCYF who exercises the powers and duties established by RSA 170-G:16, and supervises paroled delinquents pursuant to RSA 170-H.

(v) “License” means an authorization to operate a foster family home as defined in RSA 170-E:25, II(a), in accordance with RSA 170-E, and the foster family care licensing requirements in He-C 6446.

(w) “Licensing agency” means DCYF or a child-placing agency as defined in (h)(1) above which is licensed in accordance with He-C 6448.

(x) “Order to comply” means a written citation provided by the licensing agency to a foster family care provider that identifies a violation of the rules and requires a corrective action plan to correct the violation within a specified timeframe.

(y) “Parent” means “parent” as defined in RSA 169-C:3, XXI, namely “mother”, “father”, or “adoptive parent”, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.”

(z) “Permit” means a temporary authorization to operate a foster family home as defined in RSA 170-E:25, II(a), for a period not to exceed 6 months in accordance with RSA 170-E and He-C 6446 upon completion of the necessary licensing inspections, per RSA 170-E:31, V.

(aa) “Perpetrator” means a person against whom a finding of abuse or neglect has been made.

(ab) “Pre-licensing training” means the educational programs for applicants provided by the licensing agency in accordance with He-C 6446.12.

(ac) “Reasonable and prudent parent standard” means the federal standard pursuant to 42.U.S.C 675(10)(A) of the Social Security Act characterized by careful and sensible parental decisions made by a caregiver for a child in foster care, that maintain the health, safety, and best interests of the child or youth while encouraging normalcy and the emotional and developmental growth of the child through participation in extracurricular, enrichment, cultural, and social activities.

#### He-C 6446.04 Requirements for Applicants for a Foster Family Care License.

(a) Any person, regardless of race, sex, religion, ethnicity, marital status, sexual orientation, national origin, or physical or mental disability, may apply for a foster family care license.

(b) The applicant, or at least one applicant if more than one person is applying together, shall:

- (1) Be a legal resident of the state of New Hampshire;
- (2) Be at least 21 years of age as of the date of the application;
- (3) Have sufficient income to make timely payments for shelter, food, utility costs, clothing, and other household expenses prior to the addition of a child or children in care;
- (4) Be able to communicate with the child, DCYF, and health care providers and service providers;
- (5) Have a high school diploma or its equivalent;
- (6) Have functional literacy, such as having the ability to read medication labels; and
- (7) If the applicant will transport children in care, show proof of:

- a. Possession of a valid New Hampshire driver's license;
- b. Possession of an automobile that has a current and valid state inspection; and
- c. Possession of automobile liability insurance.

(c) A full application shall be submitted by the applicant as described in He-C 6446.06 or a full renewal application as described in He-C 6446.15.

(d) Prior to the issuance of a license, the applicant and all household members shall:

- (1) Reside in a home that complies with the foster home requirements set forth in He-C 6446.09;
- (2) Meet with representatives of the licensing agency as required by He-C 6446.10;
- (3) Participate in the preparation of the home study as required in He-C 6446.11; and
- (4) Complete pre-licensing training as required by He-C 6446.12.

(e) The applicant and all household members 18 years of age or older shall not have been convicted of a felony or other crime as described in He-C 6446.28(b)(1)-(3).

(f) Through compliance with the requirements of He-C 6446.04 and He-C 6446.06 – 6446.12, prior to the issuance of a license, each applicant shall demonstrate his or her ability to:

- (1) Provide a child in care with a safe, nurturing, and stable family environment, which is free from abuse and neglect;
- (2) Provide for the basic needs of a child in care, including those for food, clothing, shelter, and supervision;
- (3) Assure, in conjunction with the child-placing agency, that a child in care receives routine and emergency medical and dental care, and mental health care;
- (4) Honor and uphold the foster care children's bill of rights codified in RSA 170-G:20-21;
- (5) Promote the physical, mental, educational, and emotional development of a child in care;
- (6) Show respect for the linguistic, ethnic, spiritual, and cultural background of a child in care;
- (7) Accept the relationships of a child in care with his or her parents, family members, DCYF, the licensing agency, and other individuals identified by the child and family as being a supportive and positive resource for the child through a relative, social, educational, or community relationship;
- (8) Assist a child in care in handling stressful situations and trauma frequently associated with placement in foster care, including:
  - a. Removal from the parents' home;
  - b. Placement in a new home environment;
  - c. Visitation with parents and siblings; and
  - d. Return to the parents' home or placement in other substitute care;

- (9) Manage the stressful situations that might develop in the foster home or with the foster family, as the result of the placement of a child in care;
- (10) Accept the temporary nature of foster family care and the likelihood that the child in care will, pursuant to the child's case plan, return to his or her parent(s) or be placed in a permanent placement;
- (11) Work cooperatively with DCYF or the child-placing agency in implementing the case plan for the child in care;
- (12) Respect the legal rights and responsibilities of the parents of the child in care;
- (13) Complete the pre-license training required by He-C 6446.12;
- (14) Complete the in-service training required by He-C 6446.20 for the applicant's foster family care license renewal, as applicable;
- (15) Discipline a child in care in a safe, non-threatening, and instructive manner that complies with He-C 6446.22; and
- (15) Demonstrate freedom from physical, mental, or emotional illness that would substantially impair the applicant's ability to comply with the requirements of He-C 6446 for the care of children in care.

He-C 6446.05 Requirements for Issuance of a Foster Family Care Permit.

- (a) The department shall issue a permit to any person pursuing a license for foster family care whose services have been identified as needed by the department, while the applicant is completing the licensing requirements, pursuant to RSA 170-E:31, V. The permit shall not exceed 6 months.
- (b) The following shall be completed and submitted prior to the issuance of a permit:
  - (1) The Form 1720 "Fire Department Inspection – One and Two Family Dwelling" (June 2020 edition) or Form 1720A "Fire Department Inspection – Apartment Building" (June 2020 edition) as applicable, identified in He-C 6446.09(f);
  - (2) The Form 1721 "Home Health Inspection" (June 2020 edition) identified in He-C 6446.09(g);
  - (3) Criminal record checks as described in He-C 6446.07, for each household member as appropriate based on age, such that:
    - a. A criminal records search is completed with state and local law enforcement agencies, if 18 years of age or older;
    - b. A Federal Bureau of Investigations fingerprint record check, if 18 years of age or older;
    - c. A review of any history of involvement with the local law enforcement agency where the applicant resides; and
    - d. A review of the New Hampshire department of safety's division of state police "Registration of Criminal Offenders" for each household member, regardless of age; and
  - (4) A central registry check as specified in He-C 6446.08 for each household member 18 years of age or older.

(c) A permit shall be terminated if the department determines that the permittee has failed to continue to seek full licensure as a foster family care provider.

(d) A permit shall be converted to a license upon completion of licensing requirements identified in He-C 6446.04. The duration of a license issued to a permittee shall be inclusive of the duration of the permit.

He-C 6446.06 Application for License.

(a) The applicant shall complete and submit an application packet that includes the following:

(1) The completed Form 1715 “Application for Foster Family Care License” (June 2020 edition) acknowledging that:

a. “I/we have reviewed the Administrative Rule He-C 6446 and will adhere to the rules if I/we are licensed as a Foster Family Care provider. I/We authorize the NH Division for Children, Youth and Families (DCYF) to receive the results of the central registry check, the state registry check, and the out-of-state child abuse and neglect registry checks.”;

b. “I/We understand that:

The Division of Children, Youth and Families examines its child abuse records and the criminal conviction records of the State Police on Adoptive/Foster Parent applicants (RSA 170-E:4, III);

All household members 18 years and older shall be subject to a criminal records search through the NH state and local police, and through all other states in which the individual has resided for the preceding 5 years;

All household members 18 years old or older shall be subject to a Federal Bureau of Investigation fingerprint record check;

Information shared about a foster child’s safety, the caregiver’s safety and the appropriateness of the placement, is confidential (RSA 170-E:9, I(a)(13));

Other information about the child’s family, or the circumstances of his or her placement, must also be kept confidential. This information was taken from DCYF care records and files whose confidentiality is protected by federal law. Federal regulations (42 CFR, Part 2) prohibit the further sharing of this information without obtaining the written consent of the individual to whom it pertains, or as otherwise permitted by federal regulations;

Completion of this application does not constitute acceptance into the foster care family program. It is a statement of intention only and may be withdrawn at any time; and

DCYF has the right to verify information contained in this application.”; and

c. “I/We understand the above statements and verify that all statements made are true.” ;

(2) The Form 1720 “Fire Department Inspection – One and Two Family Dwelling” (June 2020 edition) or Form 1720A “Fire Department Inspection – Apartment Building” (June 2020 edition) as applicable, completed in accordance with He-C 6446.09(f);

- (3) The Form 1721 “Home Health Inspection” (June 2020 edition) completed in accordance with He-C 6446.09(g);
  - (4) The completed Form 1717 “Local Law Enforcement Check” (June 2020 edition) and the applicable Criminal History Record Information form as identified in Table 5700-1 in Saf-C 5703, authorizing the licensing agency to conduct a criminal records check and local law enforcement check for:
    - a. The foster parent requesting renewal; and
    - b. All household members 18 years or older;
  - (5) Form 2501 “NH Child Abuse and Neglect Central Registry Name Search Authorization Release of Information to Third Party” (June 2020 edition) completed by the foster parent requesting renewal and all household members 18 years of age or older authorizing the licensing agency to conduct a central registry check certifying
    - a. “I acknowledge that the results of this search can only be released to myself or a Child-Placing Agency pursuant to NH RSA 170-E, the Department of Health and Human Services pursuant to NH RSA 17-G:8-c, or another state’s Child Welfare Agency or Private Adoption Agency pursuant to NH RSA 169-C:35. I understand and authorize the results of this search to be provided to the person/agency listed below if in compliance with the aforementioned laws. Any entity listed below that is not governed under these laws will not be sent the results.”; and
    - b. “I authorize the below named agency to receive the results of my registry check. I understand that the results will not be sent to me.”; and
  - (6) For those applicants and household members 18 years of age or older who have lived outside the state of New Hampshire within the past 5 years of application:
    - a. The results of a state criminal history records search for each state resided in, as required by He-C 6446.07; and
    - b. The results of the child abuse and neglect registries for each state resided in, as required by He-C 6446.08.
- (b) Each applicant shall provide the following autobiographical information:
- (1) A description of the applicant’s physical and mental health;
  - (2) A brief history of the applicant’s childhood and family background including identification of family members, noting those family members with whom the applicant had a close relationship, and a description of the interactions between family members;
  - (3) A description of the methods of discipline used in the applicant’s family;
  - (4) The applicant’s childhood memories of enjoyable periods of time, events, and positive relationships;
  - (5) The applicant’s present contacts with family members;
  - (6) The educational background, including highest degree attained, and areas of training and expertise;

- (7) The employment history for the last 5 years;
- (8) A description of the applicant's marital status and history, including previous marriages and divorces, if applicable;
- (9) A description of the applicant's experience, if any, caring for children with special needs;
- (10) A description of criminal convictions and domestic violence petitions or restraining orders, if any;
- (11) A description of the foster home and the neighborhood where the applicant(s) resides;
- (12) A description of life in the applicant foster home, including the routine for housekeeping chores, and identification of any pets in the home, if applicable;
- (13) A description of the way in which the members of the applicant foster family:
  - a. Solve problems;
  - b. Settle disputes;
  - c. Show love and affection;
  - d. Show anger;
  - e. Show sadness; and
  - f. Share household chores;
- (14) A description of the family activities of the applicant foster family;
- (15) A description of the expectations, hopes, and fears of the applicant foster family; and
- (16) The applicant's history of parenting other people's children.

(c) Each additional adult caregiver residing in the foster home shall provide the following autobiographical information:

- (1) A description of the adult caregiver's physical and mental health;
- (2) A brief history of the adult caregiver's childhood and family background including identification of family members, noting those family members with whom the applicant had a close relationship, and a description of the interactions between family members;
- (3) A description of the methods of discipline used in the adult caregiver's family;
- (4) The adult caregiver's childhood memories of enjoyable periods of time, events, and positive relationships;
- (5) The adult caregiver's present contacts with family members;
- (6) The educational background, including highest degree attained, and areas of training and expertise;
- (7) The employment history for the last 5 years;



- (8) A description of the adult caregiver's marital status and history, including previous marriages and divorces, if applicable;
  - (9) A description of the adult caregiver's experience, if any, caring for children with special needs;
  - (10) A description of criminal convictions and domestic violence petitions or restraining orders, if any;
  - (11) A description of the applicant foster home and the neighborhood where the adult caregiver resides;
  - (12) A description of life in the applicant foster home, including the routine for housekeeping chores, and identification of any pets in the home, if applicable;
  - (13) A description of the way in which the members of the applicant foster family:
    - a. Solve problems;
    - b. Settle disputes;
    - c. Show love and affection;
    - d. Show anger;
    - e. Show sadness; and
    - f. Share household chores;
  - (14) A description of the family activities of the applicant foster family;
  - (15) A description of the expectations, hopes, and fears of the applicant foster family; and
  - (16) The adult caregiver's history of parenting other people's children.
- (d) An application shall be complete upon submission of the application packet in (a) above, the autobiographical information in (b) and (c) above, and the following:
- (1) Page 2 of Form 1722 "Medical Information Statement" (June 2020 edition) completed by a physician or nurse practitioner, for each applicant and each household member, submitted by either the applicant or the completing physician or nurse practitioner;
  - (2) Form 1728 "Pre-Adoptive/Foster Family Care Financial Statement" (June 2020 edition);
  - (3) The names and contact information for 5 references, in accordance with the following:
    - a. Each reference shall be a person who has known the applicant(s) for more than one year;
    - b. Of the 5 references, no more than one shall be from a person related to the applicant(s) by blood or marriage;
    - c. All 5 references shall be positive in order to constitute a complete application for licensure; and
    - d. All references received shall become a permanent part of the foster home record and as such shall be transferred to another child-placing agency if applicable; and

(4) For any foster home in which the applicant is not the homeowner, a letter of good standing shall be obtained and submitted from the proprietor of the property or his or her designee.

(e) If the information provided on the “Medical Information Statement” is incomplete or contradictory to other information provided by the applicant and the applicant is unable to provide information to resolve the conflict, the licensing agency shall require that the applicant or household member obtain a medical or psychological evaluation.

(f) Upon the request of the licensing agency, the applicant shall provide additional information and references if more information is required to assess the character and abilities of the applicant.

(g) A licensing agency that is not DCYF shall use the forms described in this section, except that they may alter the forms by adding the agency’s name, logo, and contact information.

He-C 6446.07 Criminal Records Check.

(a) The applicant and all household members 18 years old or older shall be subject to a criminal records search through the New Hampshire state and local police, and through all other states in which the individual has resided for the preceding 5 years.

(b) The applicant(s) and all household members 18 years old or older shall be subject to a Federal Bureau of Investigation fingerprint record check.

(c) The applicant shall submit a completed Form 1717 “Local Law Enforcement Check” (June 2020 edition) for the applicant and all household members, authorizing a review of any history of involvement with the local law enforcement agency where the applicant and all household members reside.

(d) The applicant and all household members shall be subject to a review of the New Hampshire department of safety’s division of state police “Registration of Criminal Offenders” by accessing the URL “<http://business.nh.gov/nsor/> (complete demographic fields; click search)”, regardless of age.

(e) The licensing agency shall examine and consider all documentation and reports received through (a)-(d) above regarding any involvement, convictions, or both of an applicant or household member for its impact on licensure in accordance with He-C 6446.28(b).

He-C 6446.08 Abuse and Neglect Registry Check.

(a) The applicant and all household members 18 years of age or older shall complete and submit Form 2501 “NH Child Abuse and Neglect Central Registry Name Search Authorization Release of Information to Third Party” (June 2020 edition) to DCYF to conduct the central registry check.

(b) Those applicants and household members 18 years of age or older who have lived outside the state of New Hampshire within the past 5 years of application shall be subject to a child abuse and neglect registry check in each state they have resided in the past 5 years.

(c) The licensing agency shall receive the results of the central registry check, and the out-of-state child abuse and neglect registry checks as applicable.

(d) A licensing agency shall request the applicant to provide further information regarding a positive registry match to review any implications of the information with the applicant and determine its impact on licensure in accordance with He-C 6446.28(a).

He-C 6446.09 Foster Home Requirements for the Physical Environment.

(a) The foster home shall be constructed, arranged, maintained, and furnished to provide for the health and safety of household members and all children in care.

(b) The foster home shall:

(1) Include a minimum of one indoor bathroom for every 8 persons in the household, which includes:

- a. A toilet;
- b. A sink;
- c. A bathtub or shower; and
- d. A door equipped with a latch for privacy;

(2) Include at least one phone available in the home for incoming and outgoing calls, that is made accessible to the child in care for personal calls;

(3) Provide for the privacy for all household members and children in care;

(4) Provide a separate bed for each child in care;

(5) Prohibit any household member from co-sleeping or bed sharing with any child;

(6) Include a bedroom separate from adults for each child in care who is older than one year;

(7) Provide a bedroom separate from children of the opposite gender who are over age 5;

(8) Provide adequate bedding for each child in care;

(9) Provide space for clothing and personal possessions;

(10) Provide a barrier-free access to the home and inside the home for each child in care who has physical and medical needs, as applicable; and

(11) Provide basic first aid supplies including at a minimum bandages and antiseptic cleanser.

(c) At the time of the first home visit the applicant shall inform the licensing agency if the applicant or other household member possesses any weapons or firearms.

(d) If the applicant or any household member possesses any weapons or firearms, the following safeguards shall be made:

(1) All weapons and firearms in the foster home shall be kept in a locked cabinet, storage container, or be secured with trigger locks;

(2) Ammunition, projectiles such as arrows, and attachments such as bayonets kept in the foster home shall be stored and locked separately from the weapon or firearm; and

(3) All weapons and firearms shall be secured and inaccessible when carried in a vehicle operated by a foster parent or other household member in which children in care are transported.

(e) If the applicant has a swimming pool, the applicant shall maintain a life saving device such as a ring buoy in proximity of the swimming pool.

(f) The applicant shall have a fire inspection of the home conducted, as follows:

- (1) The applicant shall arrange for the fire inspection of the home with the local fire inspector;
- (2) The applicant shall complete the top section of Form 1720 “Fire Department Inspection – One and Two Family Dwelling” (June 2020 edition) if the applicant lives in a building with no more than 2 individual dwellings or Form 1720A “Fire Department Inspection – Apartment Building” (June 2020 edition) if the applicant lives in a building with 3 or more individual dwellings, to include date, district office information, and foster family residence and contact information; and
- (3) Upon conducting the inspection, the fire inspector shall complete the rest of Form 1720 or Form 1720A, as applicable, and send a copy to the district office indicated on the form.

(g) The applicant shall have a home health inspection of the home conducted, as follows:

- (1) The applicant shall arrange for the health inspection of the home with the local health officer;
- (2) The applicant shall complete the top section of Form 1721 “Home Health Inspection” (June 2020 edition) to include date, district office information, and foster family residence and contact information, and shall sign the form; and
- (3) Upon conducting the inspection, the local health officer shall complete the rest of Form 1721 and send a copy to the district office indicated on the form.

(h) The applicant shall complete and submit to the district office Form 1723 “Insurance and Safety Verification” (June 2020 edition) certifying the following:

(1) Under the safety information:

- a. “I agree to keep all firearms or dangerous weapons in the home stored in a locked container inaccessible to foster children.”;
- b. “I agree to keep all vehicles in a safe running condition.”;
- c. “I agree that any person transporting foster children will have a valid driver’s license.”; and
- d. “I agree to keep the home heating system(s) at the above noted address properly installed, and in good and safe operating condition.”; and

(2) “By signing below, I certify that if my insurance (homeowners, renter’s, or automobile) expires that I will renew it without a lapse in coverage. I also certify that if my driver’s license, automobile registration, or automobile inspection expired that I will renew it without a lapse.”

(i) The applicant shall have a written emergency evacuation plan reviewed with all household members and posted in a prominent location in the home.

(j) The applicant shall have a comprehensive list of emergency telephone numbers, including poison control posted in a prominent location in the home.

He-C 6446.10 Home Visits.

(a) The applicant and all household members shall meet in the foster home with representatives of the licensing agency at least once prior to the issuance of a permit and at least twice prior to the issuance of a license for a sufficient amount of time to allow representatives of the licensing agency to evaluate the foster home and assess the abilities of the applicant.

(b) The applicant or licensee shall admit representatives of the licensing agency into the foster home for all visits, including, but not limited to, annual monitoring visits and complaint investigations.

(c) The licensee shall admit representatives of the child-placing agency into the foster home for all visits and supervision of any child placed in the home.

He-C 6446.11 Home Study. The applicant and all household members shall cooperate with the licensing agency during the home study and family assessment process.

He-C 6446.12 Pre-Licensing Training.

(a) Prior to the issuance of an initial license, the applicant shall attend in its entirety pre-licensing training required by DCYF as described in (b) below, except as allowed in (c) and (d) below.

(b) The pre-licensing training referenced in (a) above shall consist of a total of at least 30 hours of training, which includes, but is not limited to:

- (1) An orientation to the foster care system;
- (2) A review of the laws and regulations pertaining to foster care;
- (3) The impact of trauma on child growth and development;
- (4) Understanding grief and loss;
- (5) Maintaining family connections, including with birth parents;
- (6) The guidance and positive discipline of children;
- (7) Implementation of the reasonable and prudent parent standards;
- (8) The impact of sexual abuse and maintaining a safe environment;
- (9) First aid and cardiopulmonary resuscitation (CPR); and
- (10) Medication administration.

(c) An applicant who has held a valid foster family care license within the past 4 years in New Hampshire shall be exempt from completing the pre-licensing training in (b) above on those topics for which the curriculum has not changed since the applicant last completed the training.

(d) An applicant who has held a valid foster family care license within the past 4 years in any other state shall be exempt from completing the pre-licensing training in (b) above on those topics for which the applicant demonstrates completion of training on a curriculum with like competencies.

He-C 6446.13 Submission of Applications by Employees of Licensing Agencies.

(a) Persons employed by DCYF who wish to obtain a license shall apply to a child-placing agency other than DCYF that is licensed to issue foster family home licenses.

(b) Persons employed by a child-placing agency who wish to obtain a license shall apply to DCYF or a child-placing agency other than the agency where the person is employed, that is licensed to issue foster family home licenses.

(c) Upon issuance of the license, the licensing agency shall be responsible for the supervision and monitoring of the licensed foster family home.

(d) Supervision of the child's placement shall be provided by a child-placing agency or district office other than where the staff are employed.

He-C 6446.14 License and Permit Requirements.

(a) A license or permit for foster family care shall be issued for a specific number, age range, and gender of children in care.

(b) The foster family care license or the foster family care permit shall include the following information:

- (1) The first and last names of the foster parents;
- (2) The physical address of the foster parents;
- (3) The period of the license or permit;
- (4) The age range of the children in care who are authorized to be placed in the foster home;
- (5) The total number of children in care who are authorized to be placed in the foster home;
- (6) The total number of male children in care who are authorized to be placed in the foster home;
- (7) The total number of female children in care who are authorized to be placed in the foster home;
- (8) The date of issuance; and
- (9) The signature of the director of DCYF.

(c) A foster family home with 2 licensed foster parents shall provide care and supervision to no more than 6 children under the age of 21, inclusive of:

- (1) The total number of children in care placed in the foster home;
- (2) The number of foster family's birth and adopted children;
- (3) Children in respite care; and
- (4) The number of other children residing in the foster home on a regular, 24-hour basis.

(d) A foster family home with one licensed foster parent shall provide care and supervision to no more than 4 children under the age of 21, inclusive of:

- (1) The total of the number of children in care placed in the foster home;
- (2) The number of the foster family's birth and adopted children;
- (3) Children in respite care; and

(4) The number of other children residing in the foster home on a regular, 24-hour basis.

(e) Exceptions to (c) and (d) above shall be made in accordance with RSA 170-E:25, II(a)(2), if the foster family is willing and able to take a sibling or a group of siblings of a child already in their care, and the department has concluded that the foster family is able to provide for the safety, permanency, and well-being of the child or children.

(f) The foster family care provider shall provide care and supervision for no more than 2 children in care at any one time who are under the age of 2 years, unless the children are related by blood or marriage.

(g) Each foster parent providing care shall be a full-time resident of the foster home.

(h) Each foster parent and household member shall meet the physical health eligibility criteria set by the U.S Department of Health and Human Services, Administration on Children Youth and Families, "National Model Foster Family Home Licensing Standards" (February 2019) available at <https://www.acf.hhs.gov/sites/default/files/cb/im1901.pdf>, as noted in Appendix A, as follows:

(1) For any foster parent seeking to provide care to a child under 6 years old, or a child with special medical needs, all children who are household members shall be up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics (AAP), the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP), and the American Academy of Family Physicians (AAFP), unless the immunization is contrary to the child's health as documented by a licensed health care professional;

(2) All household members who will be caregivers of infants shall be up-to-date for pertussis (whooping cough) vaccine, unless the immunization is contrary to the individual's health as documented by a licensed health care professional; and.

(3) All household members who will be caregivers of infants and children with special medical needs shall be up-to-date for an annual influenza vaccine, unless the immunization is contrary to the individual's health as documented by a licensed health care professional.

(i) For any foster parent seeking to provide care to a child age 6 and over, unless a child who is a household member has received an exemption from the vaccination requirement pursuant to RSA 141-C:20-c, all children shall be up to date on immunizations consistent with He-P 301.14 (b)(1)-(6).

(j) Special medical needs of a child in care are determined by the child in care's physician licensed under RSA 329.

(k) A permit for family foster care shall be valid for a period up to 6 months from the date issued.

(l) A license for family foster care shall be valid for a period of up to 2 years from the date issued, however, the expiration date shall not be later than 2 years from the date of the fire inspection report, the criminal history records checks, or the abuse and neglect registry checks, whichever is earliest.

(m) A permit for foster family care shall be subject to conditions established by the department that are necessary to promote the health and safety of the child in care.

(n) A foster parent with valid licensure to provide child day care service shall be approved to provide child day care services for children in care only when the ratio of children in care to other children receiving child day care service in the home is at least one to one.

(o) The foster family care licensee shall maintain the applicant requirements outlined in He-C 6446.04.

He-C 6446.15 Renewal of a Foster Family Care License.

(a) Pursuant to RSA 170-E:32, a foster parent shall file for renewal of the license 3 months prior to the expiration date of the license.

(b) A renewal packet shall be submitted including the following:

(1) An updated Form 1715 “Application for Foster Family Care License” (June 2020 edition);

(2) Form 1720 “Fire Department Inspection – One and Two Family Dwelling” (June 2020 edition) or Form 1720A “Fire Department Inspection – Apartment Building” (June 2020 edition) as applicable, completed in accordance with He-C 6446.09(f);

(3) A completed Form 1717 “Local Law Enforcement Check” (June 2020 edition) and the applicable Criminal History Record Information form as identified in Table 5700-1 in Saf-C 5703, authorizing the licensing agency to conduct a criminal records check and local law enforcement check for:

a. The foster parent requesting renewal; and

b. All household members 18 years or older;

(4) A completed Form 2501 “NH Child Abuse and Neglect Central Registry Name Search Authorization Release of Information to Third Party” (June 2020 edition) authorization for the licensing agency to conduct a central registry check for:

a. The foster parent requesting renewal; and

b. All household members 18 years or older; and

(5) For those applicants and household members 18 years of age or older who have lived outside the state of New Hampshire within the past 5 years of application:

a. The results of a state criminal history records search for each state resided in, as required by He-C 6446.07; and

b. The results of the child abuse and neglect registries for each state resided in, as required by He-C 6446.08.

(c) A renewal application shall be complete upon submission of the renewal packet in (b) above and the following:

(1) An updated Form 1722 “Medical Information Statement” (June 2020 edition) for each applicant and each household member, submitted by either the applicant, or the physician or nurse practitioner;

(2) An updated Form 1728 “Pre-Adoptive/Foster Family Care Financial Statement” (June 2020 edition) described in He-C 6446.06(g);

(3) An updated Form 1723 “Insurance and Safety Verification” (June 2020 edition) described in He-C 6446.09(h);



- (4) A list of in-service trainings completed since the date the license was issued, including:
  - a. The title of the training;
  - b. The sponsor of the training;
  - c. The date of the training; and
  - d. The number of hours for each training; and
- (5) An updated home study as described in He-C 6446.11.
- (d) Upon the request of the licensing agency, additional information shall be provided if more information is required to assess the character and abilities of the applicant.
- (e) The licensing agency shall review the materials provided pursuant to (b)-(d) above and:
  - (1) Submit the names, or applicable forms, of the individuals identified in (b)(3) above to:
    - a. The local law enforcement agency for each location lived during the current licensure period for the presence of any history of involvement; and
    - b. The New Hampshire state police to conduct a criminal records check;
  - (2) Submit the appropriate completed forms of the individuals identified in (b)(4) above to DCYF to conduct a central registry check;
  - (3) Review of the New Hampshire department of safety's division of state police "Registration of Criminal Offenders" for each household member, regardless of age;
  - (4) Conduct a home visit as described in He-C 6446.10; and
  - (5) Complete a written assessment of the foster parent's compliance with the requirements of RSA 170-E and He-C 6446 during the current period of licensure.
- (f) If the foster parent seeking license renewal has maintained compliance with the requirements in He-C 6446 and presents a set of qualifications that, taken as a whole, affirmatively shows a commitment to the purposes of foster family care, as established in He-C 6446.02, and to the "Foster Care Children's Bill of Rights" in RSA 170-G:20-21, the licensing agency shall recommend renewal of the license by the department.
- (g) If the foster parent seeking license renewal has not met the requirements in (f) above, the licensing agency shall recommend denial of the license by the department.

He-C 6446.16 Requirements for the Care and Supervision of Children in Care.

- (a) Foster parents shall provide each child in care with:
  - (1) Nutritionally well-balanced meals to meet dietary needs;
  - (2) Clothing individually selected, fitted, and appropriate to the season;
  - (3) The opportunity to share with other household members in taking responsibility for household chores appropriate to the child's age, health, and ability; and

(4) The opportunity for age and developmentally appropriate leisure time activities, socialization, and for the development of special interests and abilities, such as arts, crafts, music, and sports, consistent with the reasonable and prudent parent standards.

(b) Foster parents shall be responsible for the care of the child's possessions received with a child in care or purchased for the child while in care, to include but not limited to assistive medical devices, clothing, books, and photographs. Foster parents shall return all belongings of a child who was in their care to the child or the child's parent or guardian within 7 days of the child leaving the foster parent's care.

(c) Foster parents shall use the reasonable and prudent parent standard pursuant to RSA 170-G:20 to make normal daily decisions in the life of the child and grant permission for participation in family, school, community, cultural, and social leisure time activities.

He-C 6446.17 Case Planning for Children in Care.

(a) Foster parents shall have the opportunity to participate in the development of the case plan for children in care.

(b) Foster parents shall implement his or her portion of the case plan for the child in care and work cooperatively with DCYF staff, the parents of the child in care, and service providers when implementing the case plan for the child.

He-C 6446.18 Education for Children in Care.

(a) Each foster parent shall work cooperatively with the licensing agency, the parents of the child in care, and the public school in providing for the education of the child in care.

(b) Each foster parent shall assist in implementing the individual education plan for a child in care who has been identified as educationally disabled.

(c) Each foster parent shall ensure that the child in care attends his or her educational program and encourage him or her to achieve his or her highest educational potential including college, vocational training, and career development.

(d) Each foster parent shall instruct each child in care about age and developmentally appropriate life skills, including:

- (1) Family roles;
- (2) Sex education;
- (3) Consumer education;
- (4) Money management; and
- (5) Higher education or career planning.

(e) Each foster parent shall ensure that a child in care who is 16 years or older has the opportunity to participate in the DCYF teen independent living program.

(f) Using the reasonable and prudent parent standard as defined in He-C 6446.03(ac), each foster parent shall allow and encourage the child in care to participate in school related activities and events based on their age, ability, and development if there are no existing safety concerns for the child's inclusion and the activity is otherwise not prohibited by the case plan or court order.

He-C 6446.19 Health Care for Children in Care.

(a) Each foster parent shall cooperate in arranging for health care for a child in care and shall ensure that the prescribed program of immunizations is followed.

(b) Each foster parent shall ensure that any prescribed medications, assistive devices, or both, are properly maintained for the exclusive use of the child in care for which prescribed.

(c) Each foster parent shall maintain a record of the physical and mental health care visits of a child in care, which shall include:

- (1) The dates of visits and treatment;
- (2) The reasons for the visits referenced in (1) above;
- (3) The names of health care providers seen;
- (4) Health care services received; and
- (5) Medications prescribed and the physician's instructions.

(d) Upon request, a foster parent shall make available health care information on the child in care to the licensing agency.

He-C 6446.20 In-Service Training Requirements.

(a) Each foster parent shall complete a minimum of 16 hours of competency based in-service training during the 2-year licensing period, which shall be provided through direct face-to-face training, online or web-based training programs, video presentations, or workbook or other printed material, all of which shall be related to foster care, adoption, or the specific needs of a child placed in the home.

(b) The in-service training referenced in (a) above shall:

- (1) Be recommended and pre-approved by the licensing agency in accordance with an individualized training plan;
- (2) Be offered in units of training that are a minimum of one hour in duration; and
- (3) Offer skill and competency building to foster parents to meet the needs of the child(ren) in care and the identified needs of the foster family to include topics such as:
  - a. Child growth and development;
  - b. Foster family management including household organization, setting standards, and stress management;
  - c. Family systems and trauma-informed practices;
  - d. Normalcy for children and youth in care;
  - e. Special education; and
  - f. Specialized medical care.

(c) If the foster parent was not required to train in the reasonable and prudent parent standard for their initial license, this training topic shall be completed prior to their next renewal application.

He-C 6446.21 Religion and Culture.

(a) Foster parents shall respect and encourage the linguistic, ethnic, religious, spiritual, and cultural background of the child in care and of the child's family.

(b) Foster parents shall cooperatively support the child in care in maintaining his or her linguistic, ethnic, religious, spiritual, and cultural connections.

He-C 6446.22 Requirements Regarding Discipline of Children in Care.

(a) Foster parents, adult household members, and other individuals who provide care in the foster home shall administer discipline only in a constructive way, which is individualized to meet the needs, development, and experiences of the child.

(b) The following practices shall be prohibited for children in care:

- (1) Child abuse as defined in RSA 169-C:3, II;
- (2) The use of seclusion and restraint, except as allowed by RSA 126-U;
- (3) Derogatory remarks or statements that humiliate, ridicule, or intimidate;
- (4) Deprivation of food, meals, mail, or family contact;
- (5) Threats of alternate placements;
- (6) Corporal punishment, which means the infliction of bodily suffering or pain that is intended to prevent or chastise a child's misconduct, including the use of spanking;
- (7) Mechanical and non-prescription chemical restraint;
- (8) Intentional misuse of prescribed medications as chemical restraints;
- (9) Involuntary seclusion or isolation such that there is no ability to visually or audibly supervise the safety of the child or the child has no means of evacuation, which might include the modification of the environment to restrict egress or the use of criminal restraints;
- (10) Assignment of physically strenuous or dangerous exercise or work as a punishment; and
- (11) Verbal or physical punishment for bed-wetting or negative actions related to toilet training.

He-C 6446.23 Visits and Contacts with the Child in Care.

(a) Upon request by DCYF, a foster parent shall meet with the family of the child in care and the case manager to develop a mutually agreed upon schedule and plan for visits and contacts.

(b) This schedule and plan for visits and contacts shall include contacts with the family and with other individuals in accordance with the child's case plan and any court orders.

(c) Foster parents shall maintain the mutually agreed upon schedule and plan for visits and contacts which may include weekends and holidays.

(d) Foster parents shall make efforts to obtain the input and consensus from the parent or legal guardian when making decisions around high risk or extended activities, even when using a reasonable and prudent parent standard.

He-C 6446.24 Record Keeping and Confidentiality.

(a) A foster parent shall maintain a file for each child in care, including the following information and documentation:

- (1) The child's name and birth date;
- (2) Date of the placement in the foster home;
- (3) Copies of the case plans;
- (4) Copies of Form 1552 "Child/Youth Information Sheet" (June 2020 edition), and Form 1643A "Getting to Know Me - Infant/Toddler (0-3 Years Old)" (June 2020 edition), Form 1643B "Getting to Know Me - School-Aged Child (4-10 Years Old)" (June 2020 edition), or Form 1643C "Getting to Know Me - Youth (11-18 Years Old)" (June 2020 edition), previously completed by the child's parent or previous foster parent as provided by DCYF;
- (5) Documents from schools, doctors, and other agencies providing services to the child in care;
- (6) Dates and outcomes of school conferences;
- (7) A record of the child's health care visits and other medical documentation as required in He-C 6446.19;
- (8) Legal documents and personal papers and documentation concerning the child;
- (9) Highlights of a child's participation in extracurricular, enrichment, cultural, and social activities; and
- (10) Reports of any use of restraint or seclusion per RSA 126-U:7-a.

(b) The file referenced in (a) above shall be kept in a secure place in the foster home to preserve confidentiality.

(c) The foster parent shall review and update the information on Form 1552 "Child/Youth Information Sheet" (June 2020 edition), previously completed by the child's parent and given to the foster parent at the time of placement, for each child in care every 6 months and when the child leaves the foster home, and submit the updated form to the case manager. Attachments to the forms may be used to supplement the information required.

(d) The foster parent shall update the following age applicable form for each child in care when they reunify or transfer to an alternative placement:

- (1) Form 1643A "Getting to Know Me - Infant/Toddler (0-3 Years Old)" (June 2020 edition) for children ages birth through 3 years old;
- (2) Form 1643B "Getting to Know Me - School-Aged Child (4-10 Years Old)" (June 2020 edition) for children ages 4 through 10 years old; or
- (3) Form 1643C "Getting to Know Me - Youth (11-18 Years Old)" (June 2020 edition) for children ages 11 to 18 years old.

(e) Legal documents and personal papers concerning the child shall be given to DCYF when the child leaves the foster family's care.

(f) All identifying information, whether written, oral, imagery, or electronic, concerning the child in care, family of the child in care, or the circumstances of the child's situation shall be kept confidential.

(g) Information about the safety of a child in care, the foster parents' safety, and the appropriateness of the placement shall also be confidential.

(h) If a situation requires disclosure of confidential information, written consent of the parent and DCYF shall be obtained prior to disclosure.

He-C 6446.25 Mandatory Changes to Report .

(a) A foster parent shall notify the licensing agency when he or she is aware prior to changes in any of the following:

- (1) The foster parent's residential or mailing address;
- (2) The foster parent's home telephone or cell phone number;
- (3) The foster parent's marital status;
- (4) The foster parent's employment status;
- (5) The household composition;
- (6) The physical structure of the foster home, which affects the safety of the residents, such as:
  - a. Structural repairs;
  - b. The installation of a wood stove;
  - c. The removal of a furnace or other heating source; or
  - d. The addition of a pool, pond, or other body of water;
- (7) Any household member's involvement with DCYF services, including post-adoption services or services under RSA 169-B or RSA 169-D; and
- (8) Any circumstances which might violate the licensing requirements in He-C 6446.

(b) When it is not possible for a foster parent to provide prior notice to the licensing agency, the foster parent shall notify the licensing agency within one week of the occurrence of any of the following:

- (1) Changes listed in (a) above;
- (2) A change in the mental, emotional, or physical health of any member of the household; and
- (3) Any contact with federal, state, or local law enforcement personnel.

(c) A foster parent shall notify the licensing agency prior to accepting a placement of a child directly from a child's parent or guardian, another child-placing agency, or from another office of the licensing agency.

(d) If a foster parent changes the location of his or her residence, in addition to the notice required in (a) or (b) above, the foster parent shall, within 4 weeks of the change in residence, complete and submit, or have submitted, the following to the licensing agency:

- (1) The Form 1715 “Application for Foster Family Care License,” as described in He-C 6446.06(a);
  - (2) The Form 1720 “Fire Department Inspection – One and Two Family Dwelling” or Form 1720A “Fire Department Inspection – Apartment Building” as applicable, as described in He-C 6446.09(f); and
  - (3) The Form 1721 “Home Health Inspection,” as described in He-C 6446.09(g).
- (e) A foster parent shall immediately notify the licensing agency, in the event of:
- (1) The death of a child in care;
  - (2) Serious illness or injury to a child in care;
  - (3) The child’s unauthorized absence from the foster home; or
  - (4) The unplanned child care arrangements for a child in care if the arrangements are to care for the child in excess of 24 hours.
- (f) In cases involving serious injury or death to a child subject to restraint or seclusion, the foster parent shall notify the commissioner of the department of health and human services, the attorney general, and the state's Disabilities Rights Center pursuant to RSA 126-U:10.
- (g) A foster parent shall provide the licensing agency at least 2 weeks written notice prior to the date the foster parent is requesting the removal of the child in care from the foster home.
- (h) The information provided to the licensing agency in accordance with (a) through (f) above shall be reviewed by the licensing agency for its impact on the compliance by the foster parent with the requirements of He-C 6446.

He-C 6446.26 Orders to Comply and Immediate Removal of Children In Care.

- (a) The licensing agency shall issue a foster parent a written order to comply if the foster parent violates the foster family care licensing requirements in He-C 6446 and the violation is not related to the health, safety, or well-being of the child in care.
- (b) The written order to comply shall:
- (1) Specify each violation of He-C 6446;
  - (2) Advise that the foster parent has up to a maximum of 60 days from the date of the corrective action plan in (c) below to correct the violation(s);
  - (3) Specify the action that shall be taken with regard to the license if the foster parent fails to correct the violation(s) identified in the order to comply; and
  - (4) Be filed with the department’s foster care program manager.
- (c) Within 14 days of the date of the order to comply, the licensing agency and the foster parent shall jointly develop a corrective action plan to correct the violations.
- (d) The foster parent shall not accept any additional children in care, children for respite care, or children in a pre-adoptive placement:

- (1) After receiving an order to comply as specified in (c) above and prior to the development of a corrective action plan; or
  - (2) During an ongoing investigation of alleged child abuse or neglect.
- (e) The licensing agency shall offer an opportunity for informal dispute resolution to any foster parent who disagrees with a violation cited by the licensing agency on an order to comply, provided that the foster parent submits a written request for an informal dispute resolution.
- (f) The informal dispute resolution shall be requested in writing, and copied to DCYF, by the foster parent no later than 14 days from the date the order to comply was issued by the licensing agency.
- (g) The licensing agency shall review the evidence presented and provide a written notice to the foster parent of its decision.
- (h) An informal dispute resolution shall not be available for any foster parent against whom DCYF has initiated action to revoke a license or deny a renewal license.
- (i) If any violations identified pose a present risk to the health, safety, or well-being of the child in care, the department shall immediately, and with any court approval required by law, remove the child in care from the foster home without issuing an order to comply.
- (j) The department shall revoke the license or permit of the foster parents without issuing an order to comply if:
- (1) There is a founded report of child abuse or neglect for a foster parent;
  - (2) There is a judicial finding of abuse or neglect made related to the foster parent; or
  - (3) A foster parent is convicted of a felony or other crimes pursuant to He-C 6456.29(b).

He-C 6446.27 Waivers.

- (a) A written request for a waiver of rules may be submitted to the department, which includes the following:
- (1) The rule for which a waiver is being requested;
  - (2) The anticipated length of time the requested waiver will be needed;
  - (3) The reason for requesting the waiver;
  - (4) How the waiver will affect the health and safety of the child(ren) in care;
  - (5) A written plan for compliance with the rule, or a written plan detailing how the foster parent will satisfy the intent of the rule being waived as an alternative to complying with the rule;
  - (6) The number and ages of children who will be affected by the requested waiver; and
  - (7) The signature of the person requesting the waiver.
- (b) The department shall not accept any request for a waiver of any of the provisions of RSA 170-E, or any other rules of other state agencies, which are referred to in this part.
- (c) The department shall deny a request for a waiver when any of the following occurs:



- (1) The request does not comply with (a) and (b) above;
- (2) The department finds that approval of the requested waiver will jeopardize the health or safety of the child(ren) in care;
- (3) The department finds that approval of the requested waiver will impair the foster parent's ability to adequately care for the child(ren) in care; or
- (4) The department finds that the plan does not satisfy the intent of the rule as an alternative to complying with the rule.

(d) The department shall approve a request for a waiver if it determines that no grounds for denial in (c) above exist for the length of time requested in (a)(2) above or until the expiration of the license, whichever comes first.

He-C 6446.28 Denials and Revocations.

(a) In addition to the reasons for denial specified in RSA 170-E:35, the department shall deny an application for, or revoke a foster family care license or permit, if the applicant is the subject of a founded report of child abuse or neglect in New Hampshire or any other state, unless DCYF determines that the applicant does not pose a present threat to the health, safety, or well-being of the child(ren) and that the placement is in the best interest of the child(ren).

(b) In addition to the reasons for denial specified in RSA 170-E:35 and in (a) above, the department shall deny an initial or renewal application for a foster family care license or permit if the applicant or household member 18 years of age or older:

- (1) Has been convicted of a felony for child abuse or neglect, spousal abuse, any crime against children, child pornography, rape, sexual assault, or homicide, but not including other physical assault or battery in accordance with 42 USC 671 (a)(20)(A)(i);
- (2) Has been convicted of a felony for physical assault, battery, or a drug-related offense, and that felony conviction was committed within the past 5 years in accordance with 42 USC 671 (a)(20)(A)(ii); or
- (3) Has been convicted of a violent or sexually-related crime against a child or of a crime which shows that the person might be reasonably expected to pose a threat to a child, such as a violent crime or a sexually-related crime against an adult, pursuant to RSA 170-E:29, III.

(c) In addition to the reasons for denial specified in RSA 170-E:35 and in (a) and (b) above, the department shall deny an initial or renewal application for a foster family care license or permit if the applicant:

- (1) Has a motor vehicle record or is the subject of a report from another source, including a local law enforcement agency, which, following assessment, shows that the applicant or household member might reasonably be expected to pose a threat of harm to a child;
- (2) Does not fully comply with the foster family care licensing requirements in He-C 6446;
- (3) Knowingly furnishes or makes false or misleading statements or information, or omits information in statements or submissions to the licensing agency;
- (4) Had a foster family care license or permit revoked; or

- (5) From the information provided pursuant to He-C 6446.04 – 6446.12, presents a set of qualifications which, DCYF determines, when taken as a whole, does not reflect and support the purposes of foster family care, as established in He-C 6446.02, and the “Foster Care Children’s Bill of Rights” codified in RSA 170-G:20-21 .
- (d) In addition to the reasons set forth in (b) and (c) above and in RSA 170-E:35, the department shall revoke a license or permit for foster family care if a foster parent:
- (1) Violates the provisions of the license or permit;
  - (2) Refuses to submit or make available the written reports required in these rules for licensing or re-licensing in accordance with He-C 6446.04 – 6446.12;
  - (3) Refuses or does not submit to a child abuse and neglect report investigation;
  - (4) Refuses or does not admit authorized personnel for the purpose of a child abuse and neglect report investigation, home assessment, or pre-arranged visit;
  - (5) Does not provide and maintain a safe and sanitary home in accordance with RSA 170-E:35 and He-C 6446.09;
  - (6) Does not maintain resources adequate for the care of the child in care in accordance with He-C 6446.04 and He-C 6446.16;
  - (7) Substantially or repeatedly fails to work cooperatively with DCYF staff, the parents of a child in care, or service providers in implementing the child's case plans and permanency goals in accordance with He-C 6446.17;
  - (8) Interferes with the reunification or transition of the child in care into an alternative setting;
  - (9) Makes unfounded derogatory statements with malicious intent about DCYF staff, child-placing agency staff, the family of the child in care, other foster parents, or service providers; or
  - (10) From the information provided pursuant to He-C 6446.04 – 6446.12 or conduct pursuant to He-C 6446.16 – 6446.25, presents a set of qualifications which, DCYF determines, when taken as a whole, does not reflect and support the purposes of foster family care, as established in He-C 6446.02, and the “Foster Care Children’s Bill of Rights” codified in RSA 170-G:20-21.
- (e) In addition to the reasons set forth in (b) and (c) above, the department shall revoke a license or permit if violations identified are not corrected within 60 days of the date of the corrective action plan in He-C 6446.26(c).
- (f) When the department revokes or denies an initial or renewal license to operate a foster family home, denies or revokes a permit, or denies a waiver request, the department shall, pursuant to RSA 170-E:36, I, send to the applicant, licensee, or permittee, by registered mail, a notice which sets forth the particular reasons for the determination.
- (g) Pursuant to RSA 170-E:36, I, the denial or revocation shall become final 10 days after receipt of the notice unless the applicant, licensee, or permittee requests a hearing under He-C 6446.29.

He C 6446.29 Appeals.

(a) Administrative appeals of department decisions to revoke or deny an initial or renewal license, deny or revoke a permit, or modify a license or permit shall be conducted in accordance with RSA 170-E:37, RSA 541-A, He-C 200, and this section.

(b) Appeal requests shall be filed within 10 days of the date of the notice of action.

(c) Parties to any administrative hearing who are aggrieved by the decision of the departmental hearings officer may request a reconsideration in accordance with He-C 206, or may file an appeal of the decision with the superior court, in accordance with the provisions of RSA 170-E:37.

(d) Parties who are aggrieved by the decision of the hearings officer to deny the request for a reconsideration, or with the hearings officer's decision after a rehearing has been conducted, may appeal the decision to the superior court, in accordance with the provisions of RSA 170-E:37.

#### APPENDIX A: Incorporation by Reference Information

Rule	Title	Publisher; How to Obtain; and Cost
He-C 6446.14 (h)	"National Model Foster Family Home Licensing Standards" (February 2019)	Publisher: U.S. Department of Health and Human Services, Administration on Children, Youth and Families  Cost: Free to the public  The incorporated document is available:  <a href="https://www.acf.hhs.gov/sites/default/files/cb/im1901.pdf">https://www.acf.hhs.gov/sites/default/files/cb/im1901.pdf</a>

#### APPENDIX B

Rule Section	State or Federal Statute the Rule Implements
He-C 6446.01	RSA 170-E:24
He-C 6446.02	RSA 170-E:24
He-C 6446.03	RSA 170-E:24 and 170-E:25
He-C 6446.04	170-E:25, XI; RSA 170-E:27; RSA 170-E:28; RSA 170-E:29; RSA 170-E:34; RSA 170-G:20; RSA 170-G:21
He-C 6446.05	170-E:25, XII; RSA 170-E:27; RSA 170-E:28; RSA 170-E:29; RSA 170-E:31, V; RSA 170-E:34
He-C 6446.06	RSA 170-E:31; RSA 170-E:34, I
He-C 6446.07 - 6446.08	RSA 170-E:29; RSA 170-E:34, I
He-C 6446.09	RSA 170-E:28; RSA 170-E:34, I (a)(1)
He-C 6446.10 - 6446.11	RSA 170-E:31, IV
He-C 6446.12	RSA 170-E:34, I(a)(2) and RSA 170-E:34, II
He-C 6446.13 - 6446.14	RSA 170-E:25, XI and XII; RSA 170-E:34
He-C 6446.15	RSA 170-E:32; RSA 170-G:20; RSA 170-G:21

He-C 6446.16	RSA 170-E:34, I(a)(5); RSA 170-G:20
He-C 6446.17	RSA 170-E:34, I
He-C 6446.18 - 6446.19	RSA 170-E:34, I(a)(5); RSA 170-G:20
He-C 6446.20	RSA 170-E:34, I(a)
He-C 6446.21	RSA 170-E:34, I(a)(10)
He-C 6446.22	RSA 170-E:34, I(a)(9)
He-C 6446.23	RSA 126-U; 170-E:34, I; RSA 170-G:20; RSA 170-G:21
He-C 6446.24	RSA 170-E:34, I(a)(7)-(7-a) and (a)(13); RSA 170-E:42
He-C 6446.25	RSA 170-E:34, I(a); RSA 126-U:10
He-C 6446.26	RSA 170-E:34, I(e); RSA 170-E:35
He-C 6446.27	RSA 170-E:31; RSA 170-E:34; RSA 541-A:22, IV
He-C 6446.28	RSA 170-E:35; RSA 170-E:36; RSA 170-G:20; RSA 170-G:21
He-C 6446.29	RSA 170-E:34, I(d); RSA 170-E:36; RSA 170-E:37