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 - B. Voluntary and Non-Voluntary Closures 1
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CHAPTER 100 INTRODUCTION

AUTHORITY:

Alaska Statutes 47.32.010	Centralized Licensing and Related Administrative Procedures
Alaska Regulations 7 AAC 10	Licensing, Certification, and Approval
Alaska Regulations 7 AAC 50	Community Care Licensing
Alaska Regulations 7 AAC 56	Child Placement Agencies
Federal Law 42 U.S.C. 621	Child Welfare Services
Federal Regulations 45 CFR 1356	Requirements Applicable to Title IV-E

PURPOSE: To assist licensing staff with policies and procedures for implementing the laws consistently across the state.

POLICY:

A. Office of Children's Services Mission Statement

The Office of Children's Services works in partnership with families and communities to support the well being of Alaska's children and youth. Services will enhance families' capacities to give their children a healthy start, to provide them with safe and permanent homes, to maintain cultural connections and to help them realize their potential.

"Stronger Families, Safer Children".

B. The Office of Children's Services Responsibilities to Children in Custody

When the Office of Children's Services (OCS) has legal custody of a child who has been removed from the home of a parent or legal guardian, the Department of Health and Social Services, through OCS, has the serious responsibility to arrange for the care of that child. This legal relationship is described in state law in Title 47, Chapter 10, Section 84 of the Alaska Statutes:

"This relationship imposes on the department and its authorized agents or the parents, guardian, or other suitable person the responsibility of physical care and control of the child, the determination of where and with whom the child shall live, the right and duty to protect, nurture, train, and discipline the child, the duty of providing the child with food, shelter, education, and medical care, and the right and responsibility to make decisions of financial significance concerning the child."

Legislative findings entered into Alaska law in AS 47.05.065 state, in part:

"The legislature finds that it is the policy of the state to recognize that, when a child is a ward of the state, the child is entitled to reasonable safety, adequate care, and adequate treatment and that the Department of Health and Social Services as legal custodian...should make reasonable efforts to ensure that the child is provided with reasonable safety, adequate care, and adequate treatment for the duration of time that

the child is a ward of the state;...the child should be placed in a safe, secure, and stable environment;...[and] the child should not be moved unnecessarily....”

C. Community Care Licensing

Community Care Licensing is a critical component for the Office of Children’s Services (OCS). AS 47.32.010(a) is the section of Alaska law that provides the purpose for the community care licensing laws, and contains the following statement:

“These procedures are intended to promote safe and appropriate services by setting standards for licensure that will reduce predictable risk; improve quality of care; foster individual and patient rights; and otherwise advance public health, safety, and welfare.”

The duties and responsibilities with regard to children in custody present a perception of conflict between the primary responsibilities of the licensing function:

1. Enforcement of safety standards, and
2. Recruitment, retention and support of licensed foster homes. The Office of Children’s Services must have an adequate number of licensed foster homes in which to place children in custody, yet those homes must provide reasonably safe and adequate care and treatment for the children placed. OCS employees involved in all levels of the licensing function are faced with balancing these two major responsibilities.

Achieving this balance involves:

- a. Attention to detailed safety requirements;
- b. A willingness and ability to provide support and technical assistance to professional and lay applicants;
- c. Good interviewing and assessment skills;
- d. Comfort with OCS’s high level of authority and responsibility. Licensing entails much more than inspecting facilities against physical safety standards and completing required forms;
- e. Exploring with potential applicants their suitability for caring for children not their own;
- f. Obtaining in-depth responses from applicants to questions of a deeply personal nature;
- g. Helping applicants and licensed providers understand and meet licensing standards;
- h. Assessing an applicant’s ability to work with troubled children and biological parents;

- i. Providing support to non-compliant providers to help them reach compliance or stop providing care; and
- j. Taking the difficult position of recommending removal of a child from a facility or enforcing negative licensing action when a placement or facility poses a risk to health or safety or for other reasons does not meet the standards required by Law.

D. Community Care Licensing Roles

1. Community Care Licensing Specialist (CCLS)

The licensing worker, or the social worker in offices with no CCLS on site, is the core of the licensing function. Depending on the organizational structure of the office, the worker may provide information to potential applicants, be involved in recruitment and orientation activities, receive applications for licensing, and fingerprint individuals. The worker:

- a. Provides assistance to the applicant throughout the application and licensing process,
- b. Conducts the licensing inspection and investigation,
- c. Recommends the number of children and the nature of special needs or problems appropriate for referral to the foster home,
- d. Explains compliance issues with the provider,
- e. Recommends training and/or special training appropriate to the provider,
- f. Explains or clarifies licensing, placement, and payment procedures,
- g. Serves as a liaison between the provider and placement workers as necessary,
- h. Recommends negative licensing action when indicated, and
- i. Completes all required forms.

2. Regional Licensing Supervisor

The licensing supervisor provides oversight of the licensing function in the region. The responsibility of the supervisor or designee includes:

- a. Maintaining expertise in all licensing program areas,
- b. Assisting all staff in the region involved in the licensing process,
- c. Assisting staff in working with difficult situations,

- d. Reviewing applications and recommending appropriate action to the Statewide Community Care Licensing Manager, and
- e. May also be involved in recruitment, orientations, and providing information to potential applicants.

3. Statewide Community Care Licensing Manager

The Statewide Community Care Licensing Manager provides oversight of the licensing function statewide. This position provides leadership to the Regional Licensing Supervisors and promotes statewide consistency for foster care licensing.

4. Office of Children's Services (OCS) Director

The director is responsible for the licensing functions of OCS and approves all negative licensing actions. Staff members in OCS's state office provide assistance to the director and to the licensing staff in the regions.

5. Commissioner

The commissioner of the department issues the final administrative order when a negative licensing action (i.e., denial of an application for a license or a suspension, revocation, or denial of a renewal of an existing license), is appealed.

E. The Community Care Licensing Manual

The Community Care Licensing Manual provides essential information about the rules, licensing standards, and procedures for the many complex tasks and interactions for successful licensing practices.

1. Legislative, Administrative, and Federal Law

State and federal laws and regulations govern the licensing functions of the Office of Children's Services.

- a. The laws of Alaska, enacted by the state legislature and contained in the Alaska Statutes, set forth absolute requirements that must be met by the department and division in caring for children in custody and in licensing facilities that care for those children.
- b. Alaska law both requires and authorizes the department to establish standards in administrative law, known as regulations, to implement the law. The department's regulations, promulgated and adopted following public hearings, are contained in the Alaska Administrative Code.
- c. Alaska law is the authority for the department to cooperate with the federal government to receive federal funds for OCS's child protection programs. Receiving those substantial funds is contingent upon

compliance with pertinent federal laws, contained in the United States Code, and regulations, contained in the Federal Register.

With some exceptions, the statutes and regulations on which the policies and procedures set forth in this manual are based will not be stated in the manual. Copies of state statutes and regulations are provided as appendices. Each section that policy addresses will cite the authority for the policy. Federal requirements on licensing are generally quite broad and will usually not be cited for that reason

2. Licensing Foster Homes and Child Placement Agencies

a. Requirement to obtain a license

AS 47.32.020 requires an entity to obtain a license to operate a facility unless exempt. If there is more than one type of activity, the entity must apply for and receive a separate license before operating that type of activity unless exempt.

b. Powers of the department; delegation to municipality

AS 47.32.030(a)(9) waives the application requirements for an entity seeking licensure if the entity submits documentation verifying that it

1) has a license issued by an organization or other agency that has licensing authority under state or federal law if the standards for that licensure are approved by the department under this chapter or regulations adopted under this chapter;

2) has accreditation from a nationally recognized organization if the standards for that accreditation are equal to or more stringent than the standards for licensure under this chapter or regulations adopted under this chapter; or

3) is an entity that federal law does not require to be licensed.

3. Organization of the Manual

This manual contains policy and procedures for community care licensing workers in the following chapters:

- a. [Chapter 100, Introduction](#)
- b. [Chapter 200, Foster Home and Foster Group Home Requirements](#)
- c. [Chapter 300, Reserved](#)
- d. [Chapter 400, Child Placement Agency Requirements](#)
- e. [Chapter 500, Complaint Investigations](#)
- f. [Chapter 600, Background Checks](#)
- g. [Chapter 700, Licensing files](#)
- h. [Appendix](#)

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CHAPTER 200 FOSTER HOMES AND FOSTER GROUP HOMES

201 QUALIFICATIONS AUTHORITY:

AS 47.14.100 Powers and Duties of Department over Care of Child
AS 47.32.010 Purpose and Applicability
AS 47.32.050 Provisional License; Biennial License
7 AAC 10 Licensing, Certification, and Approvals
7 AAC 50.415 Supervision of Children in Foster Homes 7 AAC 50.510 Life and Fire Safety
7 AAC 50.530 Space

PURPOSE: To establish centralized licensing and related administrative procedures for the delivery of services in Alaska, and to promote safe and appropriate services by setting standards for licensure that reduce predictable risk; improve quality of care, foster individual rights; and otherwise advance public health, safety, and welfare.

POLICY:

The Office of Children's Services (OCS) will actively recruit, license, and support applicants who meet standards established in statutes and regulations to provide foster care for children in care in the custody of the department.

A. **Foster Parent Qualifications:** A foster parent must:

1. Be at least age 21,
2. Be of good character and reputation,
3. Understand child development,
4. Have the ability to care for children,
5. Have positive experience working with individuals of different cultures, and
6. Have skills to work with children, family members, agency staff, and community resources.

B. **Foster Homes:** A foster home may initially provide care for up to two children unrelated to the foster parent. After one year of foster care experience by a foster home, the number of children in care may be increased. No more than six children may reside in a foster home. Of the six, no more than

1. Two children under 30 months of age are allowed; and
2. Three children of any age who are unrelated to the foster parent are allowed after the first year of foster care experience by the foster home.

The Office of Children's Services may approve a general variance to increase the number of children in care beyond the number allow for a period of up to 30 days instead of

requiring a foster group home license. See [Section 225, General Variances](#).

- C. **Foster Group Homes:** A foster group home license is required when there are four or more children unrelated to the foster parent in the home.

A foster group home may provide care for up to eight children in the foster home. Of the eight, only two children under 30 months of age are allowed. Foster group homes can only exceed six foster children when one of the following circumstances applies:

1. A parenting youth to remain with their child;
2. Siblings to stay together;
3. A child with a meaningful relationship with a family to stay with that family; or
4. A family with special training or skills to care for a child with severe disabilities.

The applicant must comply with applicable additional safety and space requirements pertaining to the number of children in care. If more than six children are in care, one foster parent must generally be available in the home.

If the foster group home applicant has no previous foster care experience, the license will have a condition that allows no more than two children unrelated to the foster parent in care for the first year of licensure.

PROCEDURES:

- A. The policies and procedures contained in this chapter pertain to all foster homes and foster group homes licensed by the Offices of Children's Services. Additional policies and procedures for Child Placement Agencies are contained in Chapter 400. The worker will follow the provisions AS 47.32, 7 AAC 10 and 7 AAC 50, as well as provisions of this chapter and the chapter pertaining to the agencies being licensed.
- B. Other entities, such as the Division of Juvenile Justice, OCS contractors, and licensed Child Placement Agencies also evaluate applications and recommend licensure of facilities. The OCS reviews those recommendations and only OCS may issue a license.

205 RECRUITMENT,

AUTHORITY:

AS 47.14.100	Powers and Duties of Department over Care of Child
AS.47.32.010	Purpose and Applicability
AS.47.32.030	Powers of the Department; Delegation to Municipality

PURPOSE: To ensure there is suitable care of every child committed to the custody of the Alaska Department of Health & Social Services.

POLICY:

The Office of Children's Services (OCS) will actively recruit qualified applicants to provide foster care to children in care in the custody of the department. The OCS will provide support services to those providing care.

PROCEDURES:

A. Recruitment

The Office of Children's Services:

1. Conducts a variety of statewide recruitment events.
2. Advertises statewide through various media, such as radio and television, recruiting individuals interested in becoming foster parents. Other advertisement strategies include signs on city buses, interviews with newspapers and radio stations, and print media.
3. Receives assistance from the Alaska Center for Resource Families ([ACRF](#)) on recruitment efforts. ACRF provides a toll free number for individuals interested in becoming a foster parent.
4. Maintains a web site at <http://www.hss.state.ak.us/ocs/FosterCare/default.htm> for individuals interested in becoming a foster parent. Individuals interested in foster care may download and complete the application and other necessary forms and submit them to the nearest Office of Children's Services location.
5. Works with the Native Rural Recruitment Team (NRRT) and native leaders to develop a community based recruitment plan in rural communities, using their local resources to recruit and support foster families.

B. Calls to the Office of Children's Services

1. Potential applicants may call the worker or local office directly. The worker may refer a potential applicant to the Alaska Center for Resource Families for information. ACRF staff responds to inquires, and follow-up services, including mailing information about becoming a foster or adoptive parent, and a follow-up call within 10-days.
2. The worker will also respond to calls in accordance with [Section 210-A, Response to Inquiries from Potential Applicants](#).
3. If an application is received, the worker will proceed with the licensing process in accordance with [Section 210, Licensing Process](#).

210 LICENSING PROCESS**AUTHORITY:**

AS 44.29.020	Duties of Department
AS 47.14.100	Powers and Duties of Department over Care of Child.
AS.47.32	Centralized licensing and related Administrative Procedures
7 AAC 10	Licensing, Certification and Approvals
7 AAC 50	Community Care Licensing
7 AAC 56	Child Placement Agencies

PURPOSE: To establish centralized licensing and related administrative procedures for the delivery of services in Alaska, and to promote safe and appropriate services by setting standards for licensure that reduce predictable risk; improve quality of care, foster individual rights; and otherwise advance public health, safety, and welfare.

POLICY:

The Office of Children's Services will arrange for the care of every child committed to its custody. The department will establish and maintain standard levels of services offered to children in out-of-home care. A license is not issued until the applicant can show compliance with applicable requirements. Licensing also lends support to those providing care. The issuance of a license by the Office of Children's Services (OCS) does not obligate the department to place or maintain an individual in the foster home nor to support the foster home financially.

PROCEDURES:**A. Response to Inquiries from Potential Applicants**

If an individual is interested in getting information about licensing, the licensing worker will offer to provide copies of the orientation schedule, licensing laws, and regulations. The licensing worker will also determine whether the individual is exempt from licensure. See [Chapter 100 – Introduction, Subsection E \(2\)](#) – Licensing Foster Homes and Child Placement Agencies.

If the inquirer wishes to operate a foster home requiring licensure or wants to be licensed to operate an exempt foster home, the licensing worker will get the following information from the inquirer:

- a. Name, address, and telephone number.
- b. How the prospective foster home heard about foster care.
- c. Stage in licensing process (i.e., training, orientation, etc.).
- d. Type of program being considered and name of sponsoring body, if any.
- e. For a Child Placement Agency, the stage in planning for the proposed program.

The worker will create a home inquiry and complete the ORCA Home Inquiry Checklist.

B. Previous Enforcement Action

When the worker has obtained the information listed above, the worker will check ORCA and Form 1 Blue for prior licensing action pertaining to the potential applicant.

The worker will check with other licensing entities in the Department (i.e., Assisted Living, Child Care, Residential Care, Medical facilities, etc.) to determine if there are prior licensing actions pertaining to the potential applicant.

If the worker finds that the potential applicant has had a previous license revoked or a renewal application denied, the worker will review the record to see if any time period was set in the final administrative enforcement order.

If a time period was set and has expired, the worker will proceed with the licensing process. If the time period has not expired, or if no period was set, the potential applicant is prohibited from applying again for any license issued by the department.

If the worker finds that the potential applicant withdrew an application or voluntarily relinquished a license during an enforcement procedure, the settlement agreement will show whether the potential applicant may submit an application.

C. Training

If the applicant does not complete any required training, the licensing worker will suspend processing the application, until the requirement is met. See [Section 240, Training](#).

D. No Application Following Inquiry

Records of inquiries described in **Subsection A** will be maintained in an alphabetical file for one year and will then be destroyed if no application is received.

E. Foster Home Closed or with an Expired License

No child may remain in a closed foster home or with an expired license. The worker will

1. Notify placement workers of a pending closure or expiration and give as much advance notice as possible to remove children from the foster home.
2. Complete and send a closure letter to the provider and send a copy to Alaska Center for Resource Families (ACRF), and
3. Send information on all household members age 16 and older to the APSIN Unit for deletion from the DPS APSIN.

F. Foster Home Closed When Child is Adopted or Licensee Becomes the Legal Guardian

When a licensee chooses to close their foster care license, the licensing worker will:

1. Close the license in ORCA.
2. Change the provider type to "Adoptive Home" if a home will no longer be providing any licensed services, but will be receiving an adoption/guardianship subsidy.
3. Maintain the status of "Active".
4. Change the license type to "Not Licensed".
5. Change the license agency to "N/A"
6. Reassign the adoptive home to the Central Office default worker ORCA Adopt Admin.
7. Assign the type to "Adoption/Guardianship".
8. Change the responsibility to "Subsidy Maintenance".
9. Change the role to "Primary".

G. Licensee Chooses not to Apply for Renewal of the License

When a licensee chooses not to apply for renewal of the license, the worker will

1. Confirm in writing to the licensee that the foster home is closed effective the date of the expiration of the license,
2. Close the license in ORCA and file and distribute copies.
3. Complete a licensing action in ORCA,
4. Send information on all household members age 16 and older to the APSIN Unit for deletion from the DPS APSIN database, and
5. Send a copy of the closure letter to [ACRF](#).

H. Licensee Moves Out-of-State

If the licensing worker hears about the intended move from the foster parent, the licensing worker will:

1. Confirm that the assigned worker is aware of the family's plans to relocate,
2. Close the license effective the day the family moved following the ORCA "How Do I Guide", and
3. Change the provider's address and designated region to Central Office.

The regional licensing supervisor will:

1. Reassign the provider to Central Office, and
2. Send an e-mail to both the foster care provider payments clerk and the provider payments supervisor.

The State Office worker will create an out-of-state license and maintain the case.

211 APPLICATION RECEIPT AND PROCESSING

AUTHORITY:

AS 47.32.040 Application for License
AS 47.05.065 Legislative Finding Related to Children
7 AAC 50.025 Timeframes
7 AAC 50.030 Application for License

PURPOSE: To establish the foster care licensing application process.

POLICY: The licensing process begins when an application packet to operate a foster home is received. An application must be completed on a form provided by the Office of Children's Services (OCS) and must be accompanied by all required documentation. The Licensing Specialist will assist with the application process and provide notice if the application is incomplete or missing required documents.

PROCEDURES:

- A. Application: An application must be completed on the forms provided by the OCS. If two adults head the household, both adults must apply for a license.
1. Foster Home and Foster Group Home Required Forms and Documents, the following information is required for the application to be complete:
 - a. Application Form for Foster Care License (06-9162);
 - b. Background Information Foster Parent Form (06-9389);
 - c. Clearance Form (06-9437) for each household member age 16 and older;
 - d. A statement demonstrating that the applicant has resources sufficient to meet the financial needs of their family, independent of any foster care maintenance payment;
 - e. Evacuation Plan (DO84-LIC-03);
 - f. Fingerprints for each household member age 16 and older;
 - g. Verification of State or Government Identification, for parent 1, parent 2, and all household members 16 and older; and
 - h. Plan for Care form (06-9045).
 2. Additional Foster Home and Foster Group Home forms or documentation may be required for completion of licensing application:

- a. Family Characteristics Checklist (06-9163);
- b. Financial Summary Sheet (06-9730);
- c. Health History (06-9731);
- d. Request for a general variance from a requirement;
- e. Proof of auto insurance;
- f. Fire safety, solid waste, wastewater, or drinking water inspection; and
- g. Additional documents, such as training records or references.

B. Initial Review:

1. After receiving the application and required documentation, the Licensing Specialist will create a licensing file and an ORCA Home Inquiry. The Licensing Specialist has ten days from the date the application is received to review the material submitted and determine if the application is complete.
2. If the application is incomplete, the Licensing Specialist will notify the applicant of the missing documentation by issuing a ten-day letter. The Licensing Specialist will offer the applicant assistance in completing the documents.
3. Upon receipt of the application, the Licensing Specialist will send the requests for references, initiate the process for obtaining background checks see (Chapter 600), complete Standard by Standard (06-9371) with the applicant(s), and sign and date the application form.
4. To the extent feasible, the foster care license shall be approved or denied, including a request for a variance, not more than 45 days after the complete application packet is received. If not feasible to approve or deny the foster care license in 45 days, a supervisor may authorize a longer period for a decision, but the period must be the shortest period feasible. The Licensing supervisor will enter a supervisory staffing note in ORCA stating reason for delay in licensure and estimated date for completion of licensure.

215 PROVISIONAL LICENSE

AUTHORITY:

AS 47.32 Centralized Licensing and Related Administrative Procedures

AS 47.05.065 Legislative Findings Related to Children

7 AAC 50.005-060 Licensing Process

PURPOSE: To promote and ensure that safe and appropriate regulatory standards for initial licensure of foster homes are consistently implemented and utilized by OCS licensing staff. Assessment procedures will identify applicant strengths, the need for services, and improve communications between the applicant and the Licensing Specialist to provide quality care for children placed in out-of-home care.

POLICY:

- A. A provisional license is issued for a foster home's first year of operation. A provisional license is valid for a period not to exceed one year and may be extended for one additional period not to exceed one year. At the end of this period, the provisional license may be converted to a biennial license.
- B. A license is valid for the ***specified capacity/number of children***, the ***designated period of time***, and for the ***place of residence*** listed on the license. Conditions may be placed on a provisional license. See Section 220, License Conditions.

PROCEDURES:

- A. Circumstances for issuing a provisional license include:
 - 1. A prospective foster parent applies for a license. A provisional license of a one-year duration is issued to a new foster home if it meets licensing requirements.
 - 2. A foster home's provisional license is due to expire, and OCS is unable to complete its review before the expiration date. The license may be extended for an additional year, but the Licensing Specialist must complete the review within 90 days.
 - 3. The foster home has moved to a new location.
 - 4. A change from one specialization to another, from foster home to a foster group home license if more than a change in capacity is involved or when there has been a significant change in the foster home's program that may require a provisional license.
- B. Provisional Foster Home License: An applicant for a foster home license must meet all state licensing requirements, have acceptable criminal background checks, and have a complete application packet as described in Section 211, Application Receipt and Processing.

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- C. Initial Licensing Investigation: To the extent feasible, the foster care license shall be approved or denied, including a request for a variance, not more than 45 days after the application is received. If not feasible to approve or deny the foster care license in 45 days, a supervisor may authorize a longer period of time for a decision, but the period must be the shortest period feasible.
1. The Licensing Specialist must check:
 - a. Child protection records (ORCA, and Prober);
 - b. JOMIS (for all household members age 12 and older born after 1966);
 - c. National Sex Offender Registry;
 - d. Out-of-state background checks (http://www.cdss.ca.gov/Portals/9/CCLD/CBCB/AW_Contact_List.pdf);
 - e. Prior licensing checks (all licenses issued under AS 47.32);
 - f. Court records; and
 - g. Fingerprint results for each individual who is age 16 years or older living in the applicant's home.
 2. When the application for a license is complete, the Licensing Specialist will evaluate the:
 - a. Foster home for character and competency of the licensee and staff, or volunteers if any;
 - b. Adequacy and appropriateness of the foster home plan of care;
 - c. Safety and appropriateness of the physical environment, including the building and grounds;
 - d. References; and
 - e. Child protection, and criminal justice information according to Chapter 600, Background Checks.
 - 1) If the information received reveals criminal history, child abuse or neglect history, OCS Licensing will review the information to determine if additional documentation is needed to assess the application. This may require additional releases of information from the applicant.
 - 2) If the information received in the background check reveals any child protection history or negative licensing action, the assigned Licensing Specialist will review the details with the Licensing Supervisor to include whether due process was provided to the individual. The Licensing Supervisor will document the assessment of the child protection or negative licensing history in an ORCA supervisory staffing note.

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- 3) If the information received reveals a record of a permanent barrier crime for a household member age 16 or older unrelated to the child(ren) in care, the Licensing Specialist will review with the Licensing Supervisor and the individual may be removed or the license may be denied. The supervisor will document the staffing decision in an ORCA supervisory staffing note.
 - 4) A prospective foster parent who has a barrier crime or conditions may submit a barrier crime variance request using the department's Variance Request Application form, see Community Care Licensing police 610 for barrier crimes and variances.
3. Schedule a home visit and complete the Foster Home Standard-By-Standard Evaluation (06-9371).
 - a. The Foster Home Standard-By-Standard Evaluation form addresses measurable items about the physical home that must be completed before a home may be considered compliant. Items such as smoke detectors, carbon monoxide detectors, and fire extinguishers must be checked by the Licensing Specialist to assure that they are operational.
 - b. The Foster Home Standard-By-Standard Evaluation also contains many items not readily measurable, such as activities, behavior, discipline, and the ability to work with a child's natural or biological family. The Licensing Specialist will interview the applicant regarding such items, including criminal history, child abuse or neglect history and assess the applicant's ability to meet regulatory requirements and document on the ORCA generated Foster Home Standard-By-Standard summary.
 4. Determine whether age range capacity, any conditions on the license, or any specializations requested are appropriate.
 5. Following receipt of completed background checks, Standard by Standard, and having met all other licensure requirements, OCS may issue a provisional foster home license.
- D. Issuance of a License:
1. The Licensing Specialist will:
 - a. Create a provider license in ORCA,
 - b. Give a copy of the compliance review (06-9178) form and other supporting documents to the Licensing Supervisor recommending issuance of a provisional license. In the absence of the Licensing Supervisor, the packet may be sent to the regional designee.
 2. The Licensing Supervisor will review the documentation and if in agreement with the Licensing Specialist's recommendation, will:
 - a. Approve the license in ORCA, and

- b. Sign the license.
 3. If the Licensing Supervisor has concerns, he or she will confer with the Statewide Licensing Manager.
 4. When the Licensing Supervisor has signed the license:
 - a. Mail the original license and cover letter to the foster home;
 - b. Place a copy of the license, cover letter in the original licensing file, and
 - c. Send a copy of the license to the Alaska Center for Resource Families
- E. Provisional License Extension: If a provisional license must be extended because the Licensing Specialist is unable to complete the investigation and conversion to a biennial license before the expiration of the provisional license, the Licensing Specialist will extend the license for one additional period not to exceed one year. However, the Licensing Specialist must complete the investigation within 90 days.
 1. The Licensing Specialist will modify the license in ORCA with a condition for an extension for license evaluation and create a new license for an additional year.
 2. Follow the procedures provided at Subsection D (2)–(5) and place a copy of the cover letter in the original licensing file and distribute copies. The cover letter to the licensee must explain the reason for the extension and the anticipated time for completing the investigation and converting the license.

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216 BIENNIAL LICENSE,**AUTHORITY:**

AS 47.32.030	Powers of the Department; Delegation to Municipality
AS 47.32.050	Provisional License; Biennial License
AS 47.32.060	License Renewal
7 AAC 50.025	Timeframes
7 AAC 50.060	Self-Monitoring Reports
7 AAC 56.060	Timeframes

PURPOSE: To promote safe and appropriate services by setting standards for licensure at licensing renewal that will reduce predictable risk; improve quality of care; foster individual rights; and otherwise advance public health, safety, and welfare.

POLICY:

A biennial license is issued to an eligible foster home at the end of the foster home's provisional license if applicable requirements are met. A foster home is eligible for a biennial license if, after inspection and investigation, the Office of Children's Services (OCS) finds that the foster home or agency operates in compliance with licensing statutes and regulations. A biennial license is valid for two years unless it is modified or revoked. It may be renewed when the home is in compliance with all of the licensing requirements.

Licenses are valid for the ***specified number of children*** and for the ***period of time*** and for the ***place of residence*** listed on the license. Conditions may be placed on a biennial license. See [Section 220](#), License Conditions.

PROCEDURES:**A. Issuance of First Biennial License**

OCS may issue or renew a biennial foster home license if the worker received acceptable criminal background results and court checks on all designated individuals. Before a biennial license issuance, all household members age 16 and older must lack involvement in barrier crimes, or that the department allowed the individual to remain in the home through an approved variance.

After licensing staff documents the foster home has fully complied during the first year of operation with the applicable licensing statutes and regulations, any conditions stated on the license, and any variances approved, OCS converts the foster home's provisional license to a biennial license. The foster home is **not** required to submit a new application. The licensing worker will:

1. At least 30 days before the expiration of the license, contact the licensee by phone or by mail to schedule a home review investigation and remind the licensee of the requirements that must be met, such as a review of children's

records, training completed, and criminal record checks for new household members or members who have reached age 16.

2. Review the Child Protective Services (CPS) records, the licensing file, and any check with other licensing entities for any reports of abuse or neglect, reports from the Division of Public Safety APSIN database, and any complaints.
3. Complete the [Foster Care Report of Inspection \(06-9371\)](#) form, including the required worksheets listed on the form to evaluate compliance with licensing requirements.
4. When the worker has completed the inspection and investigation of the foster home and has determined that the home demonstrates compliance with regulations, the worker will complete an additional licensing action in ORCA and submit it to the licensing supervisor, together with the ROI and other supporting documents, recommending issuance of a biennial license. In the absence of a licensing supervisor, the packet may be sent to the regional designee.
5. Follow the procedures provided at [Section 215-D \(2\)-\(5\)](#), Issuance of a License.

B. Self-Monitoring Report

A licensed foster home must send a self-monitoring report by the first anniversary of the effective date of a biennial license and at renewal. The worker will:

1. Send the [Annual Self-Monitoring Report \(6-9057\)](#) to the licensee at least 90 days before the anniversary date,
2. Review the self-monitoring report for changes or issues that may raise concerns,
3. Review child protection records and ORCA, and
4. Review the licensing file, both hardcopy and ORCA for any complaints or concerns.

If appropriate, the worker may conduct an investigation, including an on-site inspection, to assist in reviewing the report.

C. Biennial License Renewal

1. A licensee must submit a renewal application ([06-9162](#)) at least 90 days before the expiration of the current license. The worker will:
 - a. Review prior licensing checks,
 - b. Notify the licensee in writing at least 120 days before the expiration of a foster home's license of the approaching expiration of the license and of the licensee's responsibility to return the completed application at least 90 days before the license expiration date, and

- c. Enclose an application and other forms or information required by the renewal application appropriate to the foster home type, including an application for a variance, if applicable.

Note: *The licensee is not required to resubmit any document that was submitted with the initial application if that document is still current. The licensee must submit documents that have been updated, or that are required to be updated.*

- 2. After receiving the application and other documents, the licensing worker has 10 days to evaluate it for completeness and to **sign and date** acceptance of the application as completed. The worker will:
 - a. Review current child protection and criminal justice information, as well as any current reports from other licensing entities
 - a. Obtain a copy of any self-monitoring report, and
 - c. Send the Reassessment of Foster Family (06-9387) form to the placement worker for an evaluation of the Foster Home.
- 3. Before the expiration of the license, the worker:
 - a. Makes at least one on-site visit to complete the Report of Inspection (ROI),
 - b. Reviews or completes the Casey Foster Applicant Inventory (CFAI) assessment and related CHAPS for any additional assessment. (http://www.fosterfamilyassessments.org/pages/takeassess/cfaiassess_index.htm),
 - c. Confirms that compliance with physical safety requirements continues,
 - d. Must be alert to changes in the home, space usage, changes in program, family membership, and
 - e. Other items pertinent to the foster home type.
- 4. If the worker is unable to complete the review of the application before the expiration of the biennial license, the license is automatically extended for six months or until OCS completes its review and either approves or denies the application, whichever occurs first.
- 5. The worker has 90 days to complete the inspection and investigation of the foster home. When the worker has completed the inspection and investigation and has determined that the home demonstrates compliance with regulations, the worker will:
 - a. Complete an additional licensing action in ORCA, and

- b. Submit to the licensing supervisor, together with the ROI, compliance review sheet, and other supporting documents, recommending issuance of a biennial license. In the absence of a licensing supervisor, the packet will be sent to the regional designee.
6. The supervisor will review the documentation and follow the procedures at [Section 215-D \(2\)–\(5\)](#), Issuance of a License.
7. If the foster home is not in compliance with the standards, the worker will:
 - a. Assist the licensee to gain voluntary compliance,
 - b. Complete a non-compliant event in ORCA,
 - c. Provide a notice of violation to the provider, and
 - d. Review the plan of correction from provider, if applicable.

If compliance cannot be met, the worker will recommend to the supervisor that the application for renewal of the license be denied according to [Section 236](#), Denial or Non-Renewal of a License.

217 PROVISIONAL LICENSE UNDER EMERGENCY CONDITIONS

AUTHORITY:

AS 47.32. Centralized Licensing and Related Administrative Procedures

7 AAC 50.005-060 Licensing Process

PURPOSE: To promote and ensure that safe and appropriate regulatory standards for licensure of foster homes under emergency conditions are consistently implemented and utilized by OCS licensing staff.

BACKGROUND INFORMATION:

A. State Law:

1. A provisional license may be issued for a foster home for which application has been made, and that meets the licensing requirements.

B. State Regulations:

1. A provisional license for foster care may be issued under emergency conditions before all the licensing requirements are met if a child must be placed immediately and OCS has determined that it is in the child's best interest to place the child in the applicant's home.
2. A provisional license issued under emergency conditions is only valid for up to 90 days and it is issued for the specific child(ren) involved in the emergency placement. A full licensing evaluation and conversion of the license must occur before a worker may place additional children in the home.

POLICY:

Licenses are valid for the ***specified capacity/number of children*** and for the ***designated period of time*** and for the ***place of residence*** listed on the license.

A. The worker may issue a provisional license under emergency conditions if

1. an emergency exists such that a child must be immediately placed, and
2. there is no other licensed foster home available; or an applicant comes forward with whom the child has a positive relationship; and
3. that placement would reduce the trauma of placement for the child.

B. Licensing regulations do not allow a child to be placed in an unlicensed home unless it is the home with a relative.

PROCEDURES:

A relative may offer to care for a child who is being placed in out-of-home care in emergency situations. It is in the child's best interest to be placed with a relative of the child if that individual can provide a safe environment for the child. Such situations do not allow time for a worker to conduct a complete investigation before placement, but there are minimal requirements that must be met before a child may be placed.

A. Issuance of a Provisional License Under Emergency Conditions

If an emergency exists and a child must be placed immediately, an applicant may be issued a provisional foster home license on an emergency basis from OCS for up to 90 days. The worker must take the following steps before placing a child in a home:

1. For an emergency placement, the child's placement worker, or designee, will
 - a. Visit the potential applicant's home, assess the health and safety conditions of the home, and complete a Foster Home Visit Worksheet (06-9013) signed by the applicant(s).
 - b. Assess that the home is safe and able to meet the needs of the particular child.
 - c. Obtain a signed [Clearance Form \(06-9437\)](#) and a signed [APSIN Request \(06-0712\)](#) form for each household member age 16 and older.
 - d. Obtain at least one positive reference attesting to each applicant's good character, reputation, and skills in caring for children. The reference may be given verbally, but the worker must ask the same questions and document on the [Reference for Foster Parents \(06-9370\)](#) form.
 - e. Obtain a commitment from the applicant(s) to become fingerprinted within 30 days of the initial application. If one parent, in a two-parent home is not available to sign and complete the forms at the time of the visit, the licensing worker will obtain them as soon as the other party is available.
2. No child may be placed in a home applying for a provisional license under emergency conditions until background checks have been completed with satisfactory results. Before a child is placed in a home, the worker must:
 - a. Request an APSIN check,
 - b. Check the Sex Offender Registry,
 - c. Check Child Protection Checks (ORCA and Prober),
 - d. Check the Juvenile Offender Management Information System (JOMIS), and
 - e. Check Form 1 Blue.

3. A request for an APSIN check sent to the APSIN Unit is only for the investigation for a provisional license to be issued under emergency conditions. See [Chapter 600, Section 611, APSIN Inquiries](#). All other criminal background checks must be sent through the Division of Public Safety (DPS).
4. The worker will not place a child or issue the license if the criminal justice information shows an offense that prohibits issuing a license or if child protection or other risk factors are present. See [Chapter 600, Section 610, Barrier Crimes](#).
5. The licensing worker will get documentation of the actions taken from the placement worker, including the Home Visit Worksheet and Clearance forms on the next working day of the actions taken.
6. The provisional license under emergency conditions may be issued for up to 90 days and may **not** be effective before the date of the home visit to assess the home. The license will be issued for the specific child(ren) involved in the emergency placement, and no other children may be placed until and unless the issuance of a provisional license allows. During that time, the worker will assist the foster family, if necessary, for the completion of a criminal history check in accordance with [Chapter 600, Background Checks](#).

NOTE: *If the discretionary decision of the department to not issue a license under emergency conditions involves a background barrier, this decision does not prohibit an applicant from applying for a background variance while they complete the provisional licensing process.*

7. If the criminal justice information received after a license has been issued reveals criminal behavior prohibiting licensure, the worker will immediately confer with the supervisor. The licensing worker will then notify the placement worker that the child(ren) must be removed from the foster home that same day and will proceed to revoke the licensing in accordance with [Section 238, Suspension or Revocation of License](#).
8. If the foster parent fails to complete the application process within 60 days, the worker will advise the placement worker of the pending expiration and the potential failure of the placement and request support in obtaining a completed application. The license may not expire with children in care.

B. Converting a Provisional License Issued under Emergency Conditions to a Provisional License

When all licensing requirements have been met, the worker will issue a provisional license that is valid for the remainder of a one-year period from the date on which the provisional license was issued under emergency conditions. See [Section 215, Provisional License](#).

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220 **LICENSE CONDITIONS**

AUTHORITY:

AS 47.32.050	Provisional License; Biennial License
AS 47.32.060	License Renewal
AS 47.32.070	Denial or Conditions on License
AS 47.32.090	Complaint and Investigation
AS 47.32.150	Hearings

PURPOSE: To ensure a foster home/foster group home license meets the service being provided.

POLICY:

The Office of Children's Services (OCS) may place conditions on a foster home's license if necessary to protect the health, safety, and well-being of children in care.

PROCEDURES:

- A. **License Condition:** A variety of circumstances may result in a condition being placed on a licensee. A foster home:
1. Applicant or licensee may be interested in caring for a specific child or sibling group;
 2. May have other licensing requirements not met that affect Title IV-E (i.e., fingerprints, clearance forms, provisional license under emergency conditions, report of inspection, etc.); or
 3. May only wish to accept clients from a particular agency.
- Conditions may also be placed on a license when a foster home is out of compliance with a licensing requirement and corrective action is necessary. See [Section 235, Enforcement](#). The licensee may or may not be in agreement with a condition.
- B. **Licensing Action Recommendation:** When a condition is placed on or removed from an existing license, the Licensing Specialist will complete a licensing action in ORCA including supervisory approval, following the steps provided in [Section 215-D \(2\) – \(4\)](#) for issuing a license.
- C. **Placing a Condition on a License:** If the Licensing Specialist determines that a circumstance such as those listed in subsection A above exists, the Licensing Specialist will follow the steps in [Section 215-D \(2\)-\(4\)](#) and:
1. Discuss the reason for the condition with the applicant or licensee;

2. Update ORCA;
 3. Place a condition on the license; and
 4. Issue a new license with the condition(s) listed.
 5. The condition on the license will be in effect until the condition(s) no longer exists.
- D. Removal of Condition: If the circumstances that resulted in the conditions change, the Licensing Specialist will follow the steps in [Section 215-D \(2\)-\(4\)](#) and:
1. Update ORCA;
 2. Remove the condition(s) from the license; and
 3. Issue and send a new license to the licensee.
- E. Appeals: A licensee may appeal the condition(s) placed on a license if it's a result of an inspection or investigation. When a request to appeal is received, the Licensing Specialist will provide the Request for Hearing (06-9357) form and advise the licensee that the request for a hearing must be submitted within 15 days after receipt of the notice. See [Section 239, Hearings and Appeals](#).

225 GENERAL VARIANCES**AUTHORITY:**

AS 47.14.115	Training of Foster Parents
AS 47.32.030	Powers of the Department; Delegation to Municipality
AS 47.32.080	Posting of License; License not Transferable
7 AAC 50.055	Variances for Foster Care by Relatives
7 AAC 50.250	Orientation and Training
7 AAC 10.9500	General Variance Procedures
42 USC 471(a)(10)	The Fostering Connections to Success and Increasing Adoptions Act of 2008

PURPOSE:

To outline procedures and standards to identify alternative methods for meeting the general licensing requirements. This policy does not address variance applications related to background barriers, which are handled in accordance with Chapter 600, Section 610, Barrier Crimes.

POLICY:

The Office of Children's Services (OCS) may grant a variance for meeting a requirement of a licensing statute or regulation to an applicant or licensee upon demonstration that the requirement can be met through an acceptable alternative. Approval of a variance does **not** exempt the applicant or licensee from meeting the intent of the requirement and may only be granted if the alternative proposed adequately protects the health and safety of children in care.

The OCS may set terms and conditions on any variance approved, and OCS will terminate a variance if the licensee violates those terms or conditions. The OCS will approve or deny an application for a variance within 30 days of receipt of the application.

PROCEDURES:**A. Applying for a Variance**

When a variance is requested, the worker will:

1. Discuss the appropriateness of a variance with the applicant or licensee,
2. Provide the Variance Application (06-9336),
3. Complete the General Variance Worksheet (DO 84-LIC-11),
4. Complete the Window Variance Worksheet (06-9337), if applicable, and
5. Offer assistance in completing and submitting the form(s).

B. Evaluation of Variance

Upon receiving a variance application, the Community Care Licensing Specialist I (CCLS I) will:

1. Review the application for completeness within 5 days of receiving the application.
2. Determine the suitability of the proposed option, and enter a recommendation for approval or denial of the application along with other comments as appropriate. Forward the application to the Regional Variance Committee, along with any supporting documentation, within 10 days of receipt.
3. The committee will evaluate the application for possible risk to children in care and legal implications. The committee considers each variance application on its own merit. Approval of an earlier identical variance to the current applicant or another applicant does **not** constitute grounds for approval of the current variance request. The committee may request further information or may suggest alternatives not before considered.
4. Within 15 days of OCS receipt of the variance request, the Regional Variance Committee will review the General Variance Application. If the committee denies a variance application the committee will state the reasons for denial on the General Variance - Oversight Agency Recommendation form and send variance application packet to the Statewide Variance Committee for a second level review. Within 15 days of the Statewide Variance Committee receiving the General Variance Application packet, the Statewide Variance Committee will review the packet and approve or deny the variance application.

C. Regional Variance Committee

1. The Director or designee appoints a variance committee in each region. The committee will consist of at least 4 individuals and include a Community Care Licensing Specialist III (CCLS III) , CCLS II, a child protection supervisor or manager, and a Tribal representative supported by the Tribal State Advisory Team.
2. The Regional Variance Committee will review the general variance request for completeness. If incomplete the committee will send the general variance application back to the CCLS I for missing documents.
3. If a committee member helped the applicant complete the variance application, or if the applicant is a friend or relative to the committee member, the committee member will abstain from voting for approval or denial of the variance application.
4. The Regional Variance Committee will make a decision of approval or recommendation of denial. Approvals will be documented on the General Variance Application form. The committee will document the reason of denial on the General Variance – Oversight Agency Recommendation form.
5. The Regional Variance Committee will forward all denied general variances to the Statewide Variance Committee.
6. The Regional Variance Committee will forward all approved general variances to the assigned CCLS I, who will send the approval letter to the foster care provider, the child placement agency if applicable, and maintain a copy in the licensing file.

D. Statewide Variance Committee

1. The Director or designee appoints a Statewide Variance Committee. The committee will consist of at least 4 members and include SSPO, a CCLS III, a PSM I or II, and a Tribal representative. Participants serving on the Statewide Variance Committee will not participate on general variance applications from their region.
2. The Statewide Variance Committee will be chaired by the SSPO from the Resource Family Unit.
3. The Statewide Variance Committee will review all available information and documentation pertaining to the denied general variance.
4. If a committee member helped the applicant complete the variance application, or if the applicant is a friend or relative to the committee member, the committee member will abstain from voting for approval or denial of the variance application.
5. The Statewide Variance Committee will make a decision for either approval or denial on the General Variance – Statewide Variance Committee Recommendation form.
6. The Statewide Variance Committee Chairperson will distribute a copy of the decision to the:
 - a. Provider
 - b. CCLS I assigned to the provider
 - c. The Regional Variance Committee

E. Denial of a Variance Application

If the regional committee denies a variance application the committee will state the reasons for denial on the General Variance - Oversight Agency Recommendation form and send variance application and General Variance - Oversight Agency Recommendation form to the Statewide Variance Committee for a second level review. Within 15 days of the Statewide Variance Committee receiving the General Variance Application packet, the Statewide Variance Committee will review the packet and approve or deny the variance application.

If a variance application is denied, it must be in writing with a list of the reason why the variance was denied, 7 AAC 10.9525. A General Variance Denial letter and a copy of the General Variance-Statewide Variance Committee Decision form will be sent to the general variance applicant.

1. The entity can reapply for the variance and address the department's stated reasons, or
2. May request reconsideration under 7 AAC 10.9535, which must be completed within 30 days. Reconsiderations will be sent to the Social Services Program Officer.

3. After reviewing the request for reconsideration the department will notify the entity in writing within 30 days after receiving the request, and will state the reasons for the department's final decision.
4. If the licensee disagrees with the Social Services Program Administrator and does not or cannot meet the requirement, the application for a license or for renewal will be denied or the license revoked, and the licensee has the right to appeal that denial or revocation of licensure and will receive additional information about this. See [Section 239, Hearings and Appeals](#).

F. Duration of Variance

An approved variance will be listed on the initial Community Care License if effective for the full term of the license period.

For a variance approved **after** the issuance of a license or for a shorter period than the duration of the license, the worker will issue a new license listing the variance in accordance with [Section 215-D, Issuance of a License](#).

G. Variance Tracking

1. The Regional Variance Committee will receive and track all variance requests approved or denied.
2. Statewide Variance Committee chair person will receive and track all variance requests approved or denied.

226 VARIANCE PROCESS FOR PLACEMENT OF NON-CUSTODIAL YOUTH AGE 18 TO 21**AUTHORITY:**

AS 47.14.115	Training of Foster Parents
AS 47.32.030	Powers of the Department; Delegation to Municipality
AS 47.32.080	Posting of License; License not Transferable
7 AAC 50.055	Variances for Foster Care by Relatives
7 AAC 50.250	Orientation and Training
42 USC 471(a)(10)	The Fostering Connections to Success and Increasing Adoptions Act of 2008

PURPOSE:

To outline procedures and standards to identify alternative methods for meeting the licensing requirements.

POLICY:

The Office of Children's Services (OCS) may grant a variance for meeting a requirement of a licensing statute or regulation to an applicant or licensee upon demonstration that the requirement can be met through an acceptable alternative. Approval of a variance does **not** exempt the applicant or licensee from meeting the intent of the requirement and may only be granted if the alternative proposed adequately protects the health and safety of children in care.

The OCS may set terms and conditions on any variance approved, and OCS will terminate a variance if the licensee violates those terms or conditions. The OCS will approve or deny an application for a variance within 30 days of receipt of the application.

PROCEDURES:**A Variance Process for Placement of Non-Custodial Youth age 18 to 21**

A provider may request a variance to allow placement of a non-custodial youth ages 18-21 to enter services or to continue receiving services covered by Medicaid without disrupting their placement.

1. The general variance application and a plan for safety must be completed by the provider, and submitted to the CCLS I, 30 days prior to the non-custodial youth's 18th birthday, or at time of placement, if the youth is over age 18. The plan for safety (form provided by agency) must ensure the safety of all recipients of care in the home including, but not limited to:
 - a. OCS/DJJ placements of all ages,
 - b. Any private placements, and
 - c. The provider's own children or youth.

2. A meeting is held with the care coordinator or case manager, foster family, legal guardian (if applicable), and CCLS II to discuss the plans in place for the youth to transition to a compliant placement or for the foster parents to complete the appropriate type of licensing process.
3. The CCLS II forwards the variance application and the plan for safety to the Regional Variance Committee.

B. Regional Variance Committee

1. The Director or designee appoints a variance committee in each region. The committee will consist of at least 4 individuals and include a Community Care Licensing Specialist III (CCLS III), CCLS II, a child protection supervisor or manager, and a Tribal representative supported by the Tribal State Advisory Team.
2. The Regional Variance Committee will review the general variance request for completeness. If incomplete the committee will send the general variance application back to the CCLS I for missing documents.
3. If a committee member helped the applicant complete the variance application, or if the applicant is a friend or relative to the committee member, the committee member will abstain from voting for approval or denial of the variance application.
4. The Regional Variance Committee will make a decision of approval or recommendation of denial. Approvals will be documented on the General Variance Application form. The committee will document the reason of denial on the General Variance – Oversight Agency Recommendation form.
5. The Regional Variance Committee will forward all denied general variances to the Statewide Variance Committee [Section 225-D, Statewide Variance Committee](#).
6. The Regional Variance Committee will forward all approved general variances to the assigned CCLS I, who will send the approval letter to the foster care provider, the child placement agency if applicable, and maintain a copy in the licensing file.

C. Denial of a Variance Application

If the regional committee denies a variance application the committee will state the reasons for denial on the General Variance - Oversight Agency Recommendation form and send the variance application and General Variance - Oversight Agency Recommendation form to the Statewide Variance Committee for a second level review. Within 15 days of the Statewide Variance Committee receiving the General Variance Application packet, the Statewide Variance Committee will review the packet and approve or deny the variance application.

If a variance application is denied, it must be in writing with a list of the reason why the variance was denied, 7 AAC 10.9525. A General Variance Denial letter and a copy of the General Variance-Statewide Variance Committee Decision form will be sent to the general variance applicant.

5. The entity can reapply for the variance and address the department's stated reasons, or

6. May request reconsideration under 7 AAC 10.9535, which must be completed within 30 days. Reconsiderations will be sent to the Social Services Program Officer.
7. After reviewing the request for reconsideration the department will notify the entity in writing within 30 days after receiving the request, and will state the reasons for the department's final decision.
8. If the licensee disagrees with the Social Services Program Administrator and does not or cannot meet the requirement, the application for a license or for renewal may be denied or the license revoked, and the licensee has the right to appeal that denial or revocation. See [Section 239, Hearings and Appeals](#).

D. Duration of a Variance

1. A variance that is approved at the time a license is issued and is effective for the full term of the license will be included on the Community Care License.
2. For a variance approved **after** the issuance of a license or for a shorter period than the duration of the license, the worker will issue a new license listing the variance in accordance with [Section 215-D, Issuance of a License](#).
3. All approved variances for non-custodial youth are limited to the specific youth for whom the variance is requested.

E. Variance Tracking

1. Regional Variance Committee will receive and track all variance requests approved or denied.
3. Statewide Variance Committee chair will receive and track all variance requests approved or denied.

F. Reporting

The provider must report all incidents in accordance with [Section 230, Notice of Change and Reports](#).

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227 TRAINING WAIVER REQUEST**AUTHORITY:**

AS 47.14.115	Training of Foster Parents
AS 47.32.030	Powers of the Department; Delegation to Municipality
AS 47.32.080	Posting of License; License not Transferable
7 AAC 50.055	Variances for Foster Care by Relatives
7 AAC 50.250	Orientation and Training
42 USC 471(a)(10)	The Fostering Connections to Success and Increasing Adoptions Act of 2008

PURPOSE:

To outline procedures and standards to identify alternative methods for meeting the licensing requirements.

POLICY:

The Office of Children's Services (OCS) may grant a training waiver request for meeting a requirement of a licensing statute or regulation to a licensee upon demonstration that the requirement can be met through an acceptable alternative. Approval of a training waiver request does **not** exempt the applicant or licensee from meeting the intent of the requirement and may only be granted if the alternative proposed adequately protects the health and safety of children in care.

The OCS may approve a waiver for training hours only for relative providers who have had only specific relative child(ren) placed in the home during the waiver period. Approval of a training waiver is on a case-by-case basis.

PROCEDURES:**A. Training Waiver Request**

A CCLS I may submit a training waiver request on form 06-9334 on behalf of the relative who is assessed to adequately meet the child's needs. The training waiver applies to the specific relative child(ren) placed in the relative home during the waiver period.

The CCLS I completes the request stating, how the family is related to the child(ren) placed in the home, how the family is able to meet the child's needs without completing the required training hours, indicate identified special needs of the child(ren), report number of training hours completed under period of review, report number of PSRs or licensing investigations during period of review, and recommendations from the primary Protective Services Specialist.

The CCLS I may request a waiver of the prior year's annual training requirements at the time of:

1. Conversion from provisional to biennial license,
2. Annual review, or

3. License renewal.

B. Evaluation of Waiver

The CCLS I submits the waiver request to the OCS statewide waiver review committee.

The waiver review committee will consist of at least three individuals and include a combination of licensing experts and Title IV-E experts. The committee makes a determination and the members sign the form. The form is returned to the CCLS I for processing.

C. Approval of Waiver

The CCLS I sends an approval letter (06-9335) with a copy of the waiver request (06-9334) to the relative provider for notification of the training waiver, and places the original in the provider's licensing file.

D. Denial of Waiver

A new foster care license will need to be issued as Not Fully Licensed (NFL) until the training hours/plan of correction is completed.

E. Waiver Tracking

The CCLS II or designee will track all waiver requests processed and retain information regarding the children placed in relative foster family homes.

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230 NOTICE OF CHANGE AND REPORTS

AUTHORITY:

AS 47.32.030 Powers of the Department; Delegation to Municipality

AS 47.32.080 Posting of License; License not Transferable

AS 47.32.200 Notice of Changes from an Entity

7 AAC 50.140 Reports

7 AAC 56.160 Reports

PURPOSE: To ensure the health, safety, and welfare of a child in out of home care.

POLICY:

A licensee must notify the Office of Children's Services (OCS) of changes in accordance with 7 AAC 50.140 and 7 AAC 56.160.

The OCS may require the licensee to submit a new application or may conduct an investigation of the foster home or child placement agency after receipt of a notice of change or report.

PROCEDURES:

A. Notice of Change Requirements

A licensee is required to notify the worker no later than 30 days before a planned change is expected to occur, unless otherwise noted. A licensee must notify the worker immediately of any unplanned changes that occur.

B. Mailing Address Change

A licensee is required to notify the worker in writing at least 14 days before the effective date of a change in mailing address. The notification must be written and must be documented in the record. A new application is not required. The worker will complete an address change in ORCA.

C. Name Change of Individual Residing in a Foster Home

Notification of a name change only must be in writing and documented in the record. A new application is not required. The worker will:

1. Complete an additional licensing action in ORCA for supervisory approval for issuance of a new license and filing in accordance with [Section 215-D, Issuance of a License](#).
2. Forward the appropriate information to the APSIN Unit for entry into the Division of Public Safety (DPS) APSIN database.

D. Age, Sex, or Number of Children in Care Change

A change in age, sex, or number of children in care does **not** require a new application. However, an increase in the number of children in care may require a change in licensure. See [Section 201, Qualifications](#).

1. If a change in licensure is required, the worker will complete an additional licensing action in ORCA for supervisory approval for issuance of a new license and filing in accordance with [Section 215-D, Issuance of a License](#).
2. The worker will immediately notify placement workers if the changes will affect children in care in the foster home.

E. Foster Parent Status Change

A change, such as marriage, divorce, or death of a foster parent requires a new application, including background check authorizations and fingerprints in the instance of a marriage. A foster home with a biennial license will be reissued as a provisional license.

F. Addition of an Individual to the Licensee's Household for 45 Days or Longer

Notification of an additional household member requires either a new application or a notice of change. Clearance forms and fingerprints are required for each new household member age 16 and older. See [Chapter 600, Background Checks](#).

G. Foster Home Relocation

A change in the location of a foster home requires a new application and the issuance of a provisional license. The worker will consider

1. The nature of the move, and
2. The extent of the change on the children in care and the licensee in determining the duration of the provisional license, not to exceed one year.

Evacuation plans and the plan for foster care are also required.

H. Deletion or Addition of a Specialization

Deletion of a specialization may only require a change in conditions or licensed capacity. Addition of a specialization requires a new application and procedure in accordance to the specialization. See [Section 250, Foster Home Specializations](#).

I. Relinquishment of a License

A licensee must notify the worker at least 20 days before the date that the licensee wishes to relinquish the license and children currently placed in the foster home. The worker will immediately notify placement workers that any children in care must be removed from the foster home prior to the effective date of the closure. The worker will

ask for the return of the original license and take action to close the license and licensing file.

J. Criminal Activity

A licensee must notify the worker of criminal involvement within 24 hours involving any individual having contact with children in care

1. After having knowledge that an administrator, employee, volunteer, or household member has been convicted, charged, or under indictment of an offense.
2. Is found to have neglected or abused a child as described in AS 47.10 –Children in Need of Aid.

If the criminal activity falls within the scope of AS 47.05.310 the worker will take immediate action to ensure the removal of the individual involved in the crime from contact with children in care. The worker will immediately notify placement workers if the action taken requires removal of children in care from the foster home. The worker may suspend the license or close the foster home, if necessary. Refer to Chapter 600 and Appendix A for a list of barrier crimes.

K. Incidents Involving Children in Care

All licensed foster homes must **immediately** report to the worker:

1. A death of a child in care.
2. Attempted or threatened suicide by a child in care.
3. A serious injury or illness of a child in care that requires unscheduled medical attention.
4. A fire or other disaster affecting the foster home.
5. Any unplanned changes that occur.
6. An absence of more than 72 hours of the foster parent, including the plan for supervision of children in care by a responsible adult during that absence.

L. Child Placement Agencies

Child Placement Agencies, must report incidents described in 7 AAC 50.140 (d) and (e) and 56.160(d) and (e), respectively, to the child's placing worker. The licensing worker will coordinate with the placement worker to determine whether the incident may involve a violation and require an investigation. If a violation is involved, the licensing worker and supervisor will determine the worker's role in the investigation.

M. Noncompliance

If a licensee fails to report a change or an incident as required, or the worker determines during a review of the report of change or incident that a violation has occurred, the worker will provide a notice of violation and may require a plan of correction. If the noncompliance continues, the worker will take appropriate enforcement action according to [Section 235, Enforcement](#).

235 ENFORCEMENT**AUTHORITY:**

AS 47.05.310	Criminal History; Criminal History Check; Compliance
AS 47.32.050	Provisional License; Biennial License
AS 47.32.070	Denial of or Conditions on License
AS 47.32.080	Posting of License; License not Transferable
AS 47.32.130	Enforcement Action; Immediate Revocation or Suspension
AS 47.32.140	Enforcement Actions
AS 47.32.150	Hearings

PURPOSE: To provide guidance and procedures on enforcement actions when licensed foster homes or child placement agencies are not in compliance with statutory and regulatory licensing standards.

POLICY:

The Office of Children's Services (OCS) may deny an application for a license or refuse to issue a biennial license and may suspend, revoke, modify, or deny renewal of an existing license if the applicant or licensee fails to meet the requirements or is in violation of a requirement of AS 47.32 or 7 AAC 10, 50 or 56. An individual whose license has been revoked, suspended, or modified without the individual's consent, may request a hearing under the Administrative Procedure Act, AS 44.62.

BACKGROUND:

Enforcement is an action taken against a foster home or agency license when there is a violation in licensing standards. Enforcement action is taken **after** a notice of violation is given. The worker will assist a licensee to comply with licensing requirements and attempt to implement alternatives to negative action and will document in the licensing records the attempts to provide assistance.

Enforcement action may be unavoidable, such as when a licensee or family or staff member has a record of criminal behavior that prohibits licensure and it is not possible to remove the offender from contact with children in care. See [7 AAC 10.905](#) for a list of barrier crimes and the length of time barred to the crime.

An enforcement action is a serious step that always involves consultation with the licensing supervisor and requires the approval of the Statewide Licensing Manager. As soon as possible, the Assistant Attorney General (AAG) representing OCS in licensing matters must be involved to provide legal assistance and to be prepared to represent OCS in any administrative hearing that may arise from the enforcement action.

Enforcement actions usually involve resistance and/or hostility from the applicant or licensee. The worker must be prepared to objectively present OCS's decision, the rationale behind the decision, and the authority and responsibility to enforce the decision. The worker must also be

alert to the possibility of risk to the worker's safety and be prepared to enlist the support of law enforcement when appropriate.

PROCEDURES:

A. Non-compliance and Plan of Correction

When the worker finds, usually during the process of a Self-Monitoring Report Review, license renewal investigation, or complaint investigation, that a foster home is out of compliance with a licensing standard, the worker will consult with the supervisor to determine whether the non-compliance threatens the health, safety, or well-being of children in care. If not, the worker may open discussions on a plan of correction.

1. The worker will complete the investigation report, including a description of the violation and the law or regulation being violated, and may either:
 - a. Provide a date by which the violation must be corrected and verification submitted, or
 - b. Prepare the Noncompliance's and Plan of Correction ([06-9452](#)).
2. The worker will review the correction verification of the violation, including a site visit, if necessary, to evaluate compliance with the Plan of Correction, at the end of the time given.
3. Continued non-compliance with the plan of correction may present grounds for further enforcement action.

B. Criminal History

Criminal behavior involving a barrier crime will lead to denial of a license or revocation of a license. In other instances, the offender may be removed from the foster home or the worker may issue a license if the offense occurred far enough in the past to allow consideration of a variance or other appropriate action. See [Chapter 600, Section 610, Barrier Crimes](#).

236 DENIAL OR NON-RENEWAL OF LICENSE**AUTHORITY:**

AS 47.32.050	Provisional License; Biennial License
AS 47.32.070	Denial of or Conditions on License
AS 47.32.080	Posting of License; License not Transferable
AS 47.32.130	Enforcement Action; Immediate Revocation or Suspension
AS 47.32.140	Enforcement Actions
AS 47.32.150	Hearings

PURPOSE: To provide guidance and procedures on a denial or non-renewal of a license for when licensed foster homes or child placement agencies are not in compliance with statutory and regulatory licensing standards.

POLICY:

The Office of Children's Services (OCS) may deny an application for a license or refuse to issue a biennial license, or deny renewal of an existing license if the applicant or licensee fails to meet the requirements or is in violation of a requirement of AS 47.32 or 7 AAC 10, 50 or 56. An individual who has been denied a license or renewal of a license may request a hearing under the Administrative Procedure Act, AS 44.62.

BACKGROUND:**A. Grounds for Denial, Non-Renewal, Suspension, or Revocation of License Include:**

1. Giving false or fraudulent information to the department;
2. Refusal to provide required information to the department;
3. Any noncompliance with an applicable statute or regulation that threatens the health, welfare, or safety of recipients of services;
4. The foster home, or any individual associated with the foster home in a manner described in [7 AAC 10.900\(b\)](#),
 - a. Permits, aids, or abets the commission of a criminal act related to operations covered by the license;
 - b. Engages in conduct or practices detrimental to the health, welfare, or safety of employees or recipients of services; or
 - c. Participates in, offers to participate, or implies an offer to participate in rebate, kickback, or fee-splitting arrangements or substantially similar arrangements;
5. An insufficient number of individuals or staff at the foster home with the training, experience, qualifications, and judgment to adequately provide the services offered;

6. Failure to correct a violation noted in a report of investigation or inspection or in a notice of violation;
7. Failure to comply with a final administrative order issued under [AS 47.32](#);
8. For a child placement agency, failure to appoint a qualified administrator as required under 7 AAC 57.300(h).

PROCEDURES:

A. Denial of a License

Denial of a license occurs when an applicant for a new license, a licensee with a provisional license eligible for conversion to a biennial license, or a licensee applying for a renewal of a biennial license fails to meet licensing requirements. Denial of a license may also occur when the licensing worker finds that an allegation of abuse or neglect has found the applicant to have abused or neglected a child.

When the worker finds that an applicant or licensee, including a provisional licensee, is not in compliance with, or is in violation of, a licensing requirement, the worker will offer assistance. That assistance may include placing conditions on the license (see [section 220](#)) and/or discussion of a variance application (see [section 225](#)). The worker will document attempts to provide assistance in the licensing record.

1. Denial of a License on a New Application

When a worker finds that a new applicant is not in compliance with a licensing requirement and the applicant is unable or unwilling to comply, the worker will proceed with enforcement action.

- a. The worker will meet with the supervisor to explore alternatives to denying the license and to clarify the reasons for the denial. The worker and supervisor will also consult with an Assistant Attorney General (AAG).
- b. If the denial is warranted, the supervisor will explain the circumstances to the Statewide Licensing Manager and ask the manager for approval of the denial.
- c. If the Statewide licensing Manager approves the denial, the worker, with the AAG, will prepare a notice denying the license. The Notice of Denial must contain:
 - 1) A description of the violation(s) that prompted the denial of the application,
 - 2) A list of the incidents that brought the violations to the workers attention,

- 3) The specific statutes and regulations violated,
 - 4) The justification for the decision to deny the application
 - 5) A statement of the applicant's right to appeal the decision within 15 days after receipt of the notice of denial; and
 - 6) The Request for Hearing ([06-9357](#)) form, which is used by an applicant or licensee to appeal an enforcement action and request a hearing under the administrative adjudication provisions of the Administrative Procedure Act, AS 44.62.
- d. The notice will be signed by the Statewide Licensing Manager and sent by certified mail, return receipt requested, to the applicant.
 - e. If the applicant does not return the Request for Hearing appealing the denial within 15 days after receipt of the notice of denial, the worker will close the file and place the notice of denial, and certified mail return receipt in the original file and distribute copies.
2. Denial of a Biennial License

If a licensee with an expiring provisional license due for conversion or applying for renewal of a biennial license is in violation of a licensing requirement and the licensee is unwilling or unable to come into compliance through a plan of correction, removal of an individual from the foster home, or some other remedy, the worker will meet with the supervisor to determine appropriate action.

1. If the violation does not pose an immediate threat to the health and safety of children in care but warrants denial of the license, the worker will proceed in accordance with subsection B (1) – (4).
2. The worker will immediately notify placement workers that the license is being denied and that alternate placement plans must be developed for all children in care.
3. If the applicant does not return the Request for Hearing appealing the denial within 15 days after receipt of the notice of denial, the worker will immediately notify placement workers that the foster home is closed and that all unrelated children in care must be removed from the foster home.
4. The worker will close the file, and will place the notice of denial, and certified mail return receipt in the original file and distribute copies.

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237 MODIFICATION OF A LICENSE

AUTHORITY:

AS 47.32.050	Provisional License; Biennial License
AS 47.32.070	Denial of or Conditions on License
AS 47.32.080	Posting of License; License not Transferable
AS 47.32.130	Enforcement Action; Immediate Revocation or Suspension
AS 47.32.140	Enforcement Actions
AS 47.32.150	Hearings

PURPOSE: To provide guidance and procedures on modification of a license when licensed foster homes or child placement agencies are not in compliance with statutory and regulatory licensing standards.

POLICY:

The Office of Children's Services (OCS) may modify an existing license if the applicant or licensee fails to meet the requirements or is in violation of a requirement of AS 47.32 or 7 AAC 10, 50 or 56. An individual whose license has been modified without the individual's consent, may request a hearing under the Administrative Procedure Act, AS 44.62.

PROCEDURES:

A. Modification of a License

When a licensee is in violation of a licensing requirement, a condition, or an approved variance and is unable or unwilling to achieve compliance, the worker may reduce the number of children for the foster home may care for, add or change a condition placed on the license, or recommend modification or termination of a variance.

1. The worker will meet with the supervisor to determine the appropriate action to take and to clarify the reasons for the modification.
2. If the modification is warranted, the supervisor will explain the circumstances to the Statewide Licensing Manager and ask the manager for approval.
3. If the manager approves the modification, the worker, in conjunction with an AAG, will prepare a notice of the modification. The modification notice must contain:
 - a. A description of the violation(s) that prompted the involuntary addition of conditions to the license,
 - b. The revision or termination of a variance, and/or
 - c. The issuance of a provisional license with a plan of correction.

- d. The incidents that brought the violations to the workers attention,
 - e. The specific statutes and regulations violated,
 - f. The justification for the decision to modify the license.
 - g. Except in the case of a denial or modification of a variance, a statement of the applicant's right to appeal the decision within 15 days after receipt of the notice of denial; and
 - h. The Request for Hearing ([06-9357](#)) form that is used by an applicant or licensee to appeal an enforcement action and request a hearing under the administrative adjudication provisions of the Administrative Procedure Act, AS 44.62.
- 4. The notice will be signed by the Statewide Licensing Manager and sent by certified mail, return receipt requested, to the applicant.
 - 5. If the applicant does not return the Request for Hearing appealing the denial within 15 days after receipt of the notice of denial, the worker will modify the license, and will place the notice of denial, and certified mail return receipt in the original file and distribute copies.
 - 6. The worker will immediately notify placement workers that a modification has occurred and if that modification affects the placement of children in care or requires the removal of a child from the foster home.

238 SUSPENSION OR REVOCATION OF LICENSE**AUTHORITY:**

AS 47.32.050	Provisional License; Biennial License
AS 47.32.070	Denial of or Conditions on License
AS 47.32.080	Posting of License; License not Transferable
AS 47.32.130	Enforcement Action; Immediate Revocation or Suspension
AS 47.32.140	Enforcement Actions
AS 47.32.150	Hearings

PURPOSE: To provide guidance and procedures on a suspension or revocation of a license when licensed foster homes or child placement agencies are not in compliance with statutory and regulatory licensing standards.

POLICY:

The Office of Children's Services (OCS) may suspend or revoke an existing license if the applicant or licensee fails to meet the requirements or is in violation of a requirement of AS 47.32 or 7 AAC 10, 50 or 56. An individual whose license has been revoked or suspended without the individual's consent, may request a hearing under the Administrative Procedure Act, AS 44.62.

PROCEDURES:**A. Suspension of a License**

When a licensee is in violation of a licensing requirement, is unable or unwilling to reach compliance, and that violation threatens the health and safety of children in care; when the worker has received a report or complaint that indicates that children in care may be at immediate risk of harm; or when an unexpected calamity results in unsafe or unhealthy conditions, the worker will immediately confer with the supervisor.

1. The worker and supervisor, in consultation with an AAG, will determine whether suspension of the license is the appropriate action to take pending further effort to bring the foster home into compliance or pending investigation into the report or complaint. It may be that removal of the children is the required action, or the decision may be to suspend the license with a hold placed on new placements.
2. If suspension of the license is appropriate, the supervisor will immediately confer with the Statewide Licensing Manager or designee to obtain approval from the director for the suspension.
3. If the director approves the suspension, the worker will, in conjunction with the AAG, draft a notice and accusation for the Statewide Licensing Manager's signature. The notice will advise the licensee that the suspension is immediate and the licensee is prevented from accepting new admissions or must cease operations and all children in care must be removed from the foster home.

4. If the removal of children is warranted, the worker will immediately notify placement workers that children in care must be removed from the foster home.
5. The worker will send the notice by certified mail, return receipt requested, to the licensee and will ask the licensee to relinquish the original license for the duration of the suspension.

B. Revocation of a License

A license may be revoked when OCS investigates allegations of abuse or neglect finds that a foster parent has abused or neglected a child. Revocation of a license may also occur when the foster home is not in compliance with minimum licensing standards, and it is determined that compliance cannot be accomplished within established time limits. Foster parents must be made aware of the reason for the agency's decision to revoke a license.

If a licensee is in violation of licensing requirements that threaten the health and safety of children in care, previous attempts to remedy the violations have been unsuccessful, or no realistic remedies are available, the worker will immediately confer with the supervisor.

1. The worker and supervisor, in consultation with an AAG, will determine whether statutory grounds exist for revocation and whether revocation of the license is the appropriate action to take.
2. If revocation of the license is appropriate, the supervisor will immediately confer with the Statewide Licensing Manager or designee to obtain approval from the director for the revocation.
3. If the director approves the revocation, the worker in conjunction with the AAG, will draft a Notice of Revocation for the Statewide Licensing Manager's signature. If the violation(s) presents an imminent danger to the health and safety of children in care, the notice will
 - a. Advise the licensee that the revocation is immediate,
 - b. The licensee must cease operations, and
 - c. All children in care must be removed from the foster home.

If the violation(s) does not present an imminent danger, the notice will state that the revocation is effective after the time for requesting a hearing has passed or, if a hearing is requested, the department makes a final decision.

4. The worker will deliver the notice to the licensee and will ask the licensee to relinquish the original license.
5. If the revocation is immediate, the worker will immediately notify placement workers that children in care must be removed from the foster home.

6. If the applicant does not return the Request for Hearing appealing the denial within 15 days after receipt of the notice of denial, the worker will modify the license, and will place the notice of denial, and certified mail return receipt in the original file and distribute copies.

C. Notice Requirements for Suspension, Revocation, or Non-Renewal of License

If OCS's report of investigation or inspection under [AS 47.32.120](#) concludes that there is reasonable cause to believe that a violation of an applicable statute or regulation has occurred, the worker will provide notice to the foster home of the violation and an opportunity to cure the violation within a reasonable time frame. The notice must include

1. A copy of OCS's report under [AS 47.32.120](#),
2. A statement that the foster home may submit a written response to the report,
3. Any department requirement that the foster home submit a written response to the report, and
4. A description of any enforcement action OCS intends to take and information regarding the entity's appeal rights.

D. Immediate Revocation or Suspension

If the report of investigation or inspection concludes that there is reasonable cause to believe that a violation of an applicable statute or regulation has occurred that presents an immediate danger to the health, safety, or welfare of a child in care, OCS without an administrative hearing and without providing an opportunity to cure or correct the violation, may

1. Immediately revoke or suspend the foster home's license or,
2. If the foster home is not licensed, may revoke the foster parent's ability to become licensed.

A suspension or revocation under this subsection takes effect immediately upon initial notice to the foster home from OCS, is in addition to any enforcement action under [AS 47.32.140](#), and continues until a final determination under [AS 47.32.150](#).

E. Notice Requirements for Immediate Revocation or Suspension

1. If a violation constitutes an emergency, the worker will provide initial notice to the foster home at the time OCS determines that an immediate suspension or revocation is required. Initial notice may be oral and must provide information regarding the foster parents appeal rights.
2. The worker will provide formal written notice to the foster home within 14 working days after the immediate revocation or suspension decision. Formal written notice must include

- a. A copy of OCS's report under [AS 47.32.120](#),
 - b. A statement of the foster homes right to submit a written response to the report,
 - c. Any OCS requirement that the foster home submit a written response to the report;
 - d. A description of any enforcement action OCS intends to take under [AS 47.32.140](#) (d) or (f); and
 - e. Information regarding the foster home's appeal rights.
3. A foster home to which a notice has been provided under this section may appeal OCS's decision to impose the enforcement action, including an enforcement action OCS intends to take under [AS 47.32.140](#) (d) or (f), by filing a written request for a hearing, on a form provided by the department, within 15 days after receipt of the notice. If a hearing is not timely requested under this subsection, OCS's notice constitutes a final administrative order for which OCS may seek the court's assistance in enforcing.

239 HEARINGS AND APPEALS**AUTHORITY:**

AS 47.32.050	Provisional License; Biennial License
AS 47.32.070	Denial of or Conditions on License
AS 47.32.080	Posting of License; License not Transferable
AS 47.32.130	Enforcement Action; Immediate Revocation or Suspension
AS 47.32.140	Enforcement Actions
AS 47.32.150	Hearings

PURPOSE: To provide an opportunity for an individual who disagrees with a licensing action to appeal a decision made by the department.

POLICY:

An individual who has been denied a license or renewal of a license, or whose license has been revoked, suspended, or modified without the individual's consent, may request a hearing under the Administrative Procedure Act, AS 44.62.

The applicant or licensee may request an appeal of the Office of Children's Services decision to impose the enforcement action by filing a written request for a hearing within 15 days after receipt of the notice. If the receipt date falls on a weekend or a holiday, the receipt date becomes the next working day.

If a hearing is not requested timely, the notice regarding an enforcement action constitutes a final administrative order. The OCS may seek the court's assistance in enforcing the final administrative order.

PROCEDURES:**A. Finding of Fact and Notice**

If an applicant or licensee does not submit a completed Request for Hearing ([06-9357](#)) within 15 days after receipt of the notice of the enforcement action, the worker will consult with the AAG to prepare a Finding of Fact and Notice. This notice constitutes a final administrative order. Unless the notice contains a time period after which a licensee whose license was revoked or not renewed may reapply for licensure, the former licensee is prohibited from applying for a foster care license issued by the department.

B. Appeal

If the applicant or licensee submits the Request for Hearing ([06-9357](#)) requesting an appeal within 15 days after the date on the post office return receipt, the worker will immediately inform both the supervisor and AAG and forward the form to the licensing representative in State Office. State Office staff will take the necessary steps to request

the appointment of an administrative hearing officer. The worker must be prepared to coordinate with the AAG in preparation for the administrative hearing.

A hearing will take place within 120 days after OCS receives the request for a hearing. A hearing may be expedited upon a showing of good cause. An expedited hearing will be held within 60 days after OCS receives the request for a hearing. The decision following the hearing constitutes a final administrative order.

C. Voluntary Relinquishment or Withdrawal

1. When the worker is taking action to revoke or refuse to renew a license, the licensee may voluntarily relinquish the license or withdraw the renewal application. The worker will inform the licensee that relinquishment or withdrawal carries no right to appeal the anticipated revocation or non-renewal, and the worker must leave the decision to the licensee.
2. If the licensee decides to relinquish the license or withdraw the renewal application, the worker will
 - a. Confirm the decision in writing,
 - b. Confirm that the licensee has no right to appeal the notice of enforcement action, if one has been issued, that led to the decision, and
 - c. Ask the licensee to return the license.

The worker will send the confirmation letter by certified mail, return receipt requested. The worker will give the licensee 15 days to respond to the letter and, if no response is received indicating that the licensee has reconsidered, advise placement workers that all children in care must be removed from the foster home and will take appropriate action to close the foster home.

D. Application Following Revocation or Refusal to Renew

If the licensee whose license was revoked or not renewed submits a new application, the worker will determine whether the final administrative order revoking or refusing to renew the license established any time period after which the licensee could reapply. If no time period was established, or if the application is submitted prior to the expiration of an established time period, the worker will refuse to accept the application.

1. The worker will return the application with a letter stating that OCS must refuse the application and cite [AS 47.32.140\(j\)](#).
2. The applicant has no right to an administrative appeal this action. The applicant's only recourse is to appeal the revocation or refusal to renew through the judicial system.

E. Application Following the Time Period Established in an Administrative Order

If a former licensee whose license was revoked or not renewed submits an application following the expiration date established in the final administrative order, the worker will accept the application as a new application and proceed with the licensing process in accordance with [Section 215, Provisional License](#).

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240 TRAINING**AUTHORITY:**

AS 47.14.115	Training of Foster Parents
AS 47.32.030	Powers of the Department; Delegation to Municipality
AS 47.32.140	Enforcement Actions
7 AAC 50.030	Application for License
7 AAC 50.250	Orientation and Training

PURPOSE: Before a child in foster care is placed with prospective foster parents, the prospective foster parents will be adequately prepared with the appropriate knowledge and skills to provide for the needs of the child. As necessary, such preparation is continued after placement of the child. Train, prepare, assist, and support the foster parent(s) and relative caregivers with information that will meet the special needs of each child placed in the foster home.

POLICY:

- A. The Office of Children's Services (OCS) will make orientation and training available for applicants and licensees. OCS is required by statute to make available to the foster home at least quarterly training that will assist the foster home in providing care that will meet the needs of each child placed in the home.
- B. All licensed foster homes and foster group homes are required to have ongoing yearly training.
 - 1. One-parent foster homes are required to have at least 10 hours of training per license year.
 - 2. Two-parent foster homes are required to have 15 hours per license year shared between the two parents. Each foster parent is required to have at least 5 hours per year.
- C. For foster group homes with one or more employees, orientation must be completed within eight weeks from the start date of employment.

PROCEDURES:

- A. Orientation and Pre-Service Training
 - 1. According to the process established for the Licensing Specialist's office, the applicant(s) is required to attend an orientation meeting, or the licensing specialist may conduct a pre-service training.
 - 2. An applicant with a provisional license issued under emergency conditions is required to attend an orientation or a pre-service training program within 90 days of licensure.
 - 3. The Licensing Specialist will:
 - a. Provide the applicant with an orientation schedule,
 - b. Give the applicant the Resource Family Training Grantee's training website address: and
 - c. Make a referral to the Resource Family Training Grantee for annual training.

B. Foster Parent Training:

1. All families must receive training within one year from the date of issuance of licensure. OCS has a grant with the Resource Family Training Grantee to provide training, support, and information to foster and adoptive parents.
2. The plan for training must be completed prior to the expiration date of the license. The Licensing Specialist will document the training hours in the licensing file.
3. The Licensing Specialist will review the training hours documented by Resource Family Training Grantee when converting a provisional license to a biennial license, renewing a biennial license, or reviewing an annual Self-Monitoring Report in accordance with [Section 216-B, Self Monitoring Report](#).

C. Training Relevant to a Child in Placement:

1. During contact with the child and foster parent(s), the Licensing Specialist or the Protective Services Specialist, will assess possible training that would assist and support the foster parent(s) in providing care that will meet the needs of the foster child(ren). The Licensing Specialist or Protective Services Specialist will:
 - a. Share the assessment with the foster parent(s);
 - b. Make a referral to Resource Family Training Grantee;
 - c. Forward the information to Resource Family Training Grantee; and
 - d. Document the information in the foster home licensing file.
2. When converting a provisional license to a biennial license or renewing a biennial license, the Licensing Specialist will review the file to see whether the Resource Family Training Grantee addressed the training needs identified by the PS Specialist and, if so, were utilized by the foster parent(s).

D. Applicant or Licensee Does Not Comply With Training Requirements:

1. If the licensee does not comply with the training requirements, the Licensing Specialist may send a Notice of Violation (06-9353) form and proceed in accordance to Section 235, Enforcement.
2. If the licensee does not complete a remedies of the Notice of Violation, enforcement actions may be needed.
3. If enforcement actions are taken under this section then the provider will not be fully licensed until the plan of correction is completed.

245 FOSTER CARE BY RELATIVES**AUTHORITY:**

AS 47.14.100(e)	Powers and Duties of Department over Care of Child AS
47.32.030	Powers of the Department; Delegation to Municipality
AS 47.32.080	Posting of License; License not Transferable
7 AAC 50.025	Timeframes
7 AAC 50.055	Variances for Foster Care by Relatives

PURPOSE: To ensure that a relative placement provides for the health, safety and well-being for a child and meets the criminal background check requirements.

POLICY:

An individual age 21 and older may provide foster care for a related child with or without a foster home license issued by the Office of Children's Services (OCS) providing individuals residing in the relative's home clear the criminal history checks provided in [Chapter 600, Background Checks](#).

PROCEDURES:**A. Foster Home Application by a Relative**

A relative has an option to care for a child with or without a foster home license. The worker may explore the alternatives to licensure, including financial assistance through the Alaska Temporary Assistance Program (ATAP) administered by the Division of Public Assistance (DPA). The worker may **not** recommend one option over another to the relative.

The licensing worker will be attentive to the following factors that apply to placement, when conducting a licensing investigation. The licensing worker will alert the placement worker if the worker becomes aware that conditions described in (2) of this subsection exist:

1. The Office of Children's Services (OCS) is required by AS 47.14.100(e) to place a child with a willing relative unless OCS determines, by the highest standard of evidence that the placement will result in physical or mental injury to the child. Poverty, including inadequate or crowded housing, is **not** in itself reason to deny placement.
2. A determination that a household member of the relative who is 12 years of age or older was a perpetrator in a substantiated report of abuse or is under arrest for, has been charged with, convicted of, or found not guilty by reason of insanity of, a serious offense may require OCS to place the child elsewhere absent mitigating factors described in AS 47.14.100(e)(3).

B. Relative Foster Care Variances

The worker may use an abbreviated method for recommending variances under emergency conditions when processing a relative's foster home application.

1. The worker may recommend a variance, such as available space, window size, or other requirements that do not involve the health, safety, or well being of a child without requiring the relative applicant to follow the variance application procedure prior to placement. .
2. The worker may accept a verbal request for a variance from the relative applicant but must thoroughly document in the comments section on the Foster Care Report of Inspection ([06-9371](#)) form:
 - a. The reason for the request,
 - b. The reasons why granting the request will not compromise the health, and safety, and well-being of children in care, and follow-up for the completion of the Variance Application (06-9336) from the relative applicant.
3. Any request for a variance must be reviewed and approved in accordance with [Section 225, General Variances](#).
4. The worker will give a copy of the compliance review ([06-9178](#)) form, together with the Report of Inspection and other documentation to the supervisor.
5. The supervisor will
 - a. Review the documentation to ensure and verify the health, safety, and well being of the child.
 - b. Enter a recommendation for approval or denial of the application along with other comments as appropriate, and
 - c. Forward the application to the Regional Variance Committee, with any supporting documentation.
6. If the variance is approved, the supervisor will
 - a. Approve the relative care variance and license in ORCA, and
 - b. Sign the license and issue in accordance with [Section 215-D, Issuance of a License](#).
7. Any violation of an approved variance will be handled in accordance with [Section 235, Enforcement](#).

250 FOSTER HOME SPECIALIZATIONS

AUTHORITY:

7 AAC 50.250	Orientation and Training
7 AAC 50.600 – 650	Specializations
7 AAC 53.040	Emergency Shelter
7 AAC 53.350	Independent Living
AS 47.14.115	Training of Foster Parents
AS 47.32.030	Powers of the Department; Delegation to Municipality
AS 47.32.070	Denial of or Conditions on License
AS 47.32.080	Posting of License; License not Transferable

PURPOSE: To ensure a foster home/foster group home meets the requirements to provide a specialized service for a child's needs.

POLICY:

The Office of Children's Services (OCS) may allow a foster home to offer specialized services to children in care. A foster home may choose to provide only specialized care or a combination of foster care and specializations. However, an applicant must demonstrate the ability to satisfy requirements for both a foster home license and the specialization applied for in order to obtain a license to provide a specialized service. Some specializations provide exemptions from other requirements. A foster home may **not** offer a specialized service without a license approving that specialization. A condition on a license may reflect OCS's approval of a specialization.

BACKGROUND:

1. Many foster homes are willing to care for children of any age or need who come into foster care. Other foster homes find it helpful to specialize by offering certain unique skills that may help meet the particular needs of certain children. Successful placements are made when foster parents identify their assets and skills and provide care for children whose needs can be met by those skills.
2. A worker may find a foster parent who has certain skills and encourage them to apply for a specialization onto their license. The worker may help the foster parent to meet the requirements for the specialization.
3. The licensing worker uses the "specialization article" of the Foster Care Report of Inspection ([06-9371](#)) form to determine if the foster home meets the requirements for the specialization. After determining the foster home qualifies for the specialization, the worker recommends approval of the specialization by completing a licensing action in ORCA for supervisory approval. If the specialization receives final approval, it will be included on the license as a condition.

PROCEDURES:

A. Emergency Shelter Care in Foster Homes

The OCS may issue a foster home license with a specialization of emergency shelter care to an applicant who meets licensing requirements of that specialization and is willing to accept children on a short-term basis with little advance notice. A foster home may be approved to provide emergency shelter care services in combination with foster care services. A foster home may **not** provide emergency shelter care unless the license carries approval of that specialization.

1. Requirements

If an applicant for a foster home license requests approval of an emergency shelter care specialization, the worker will determine whether the applicant meets the requirements for that specialization by documenting compliance with the requirements on the Report of Inspection, in particular:

- a. One foster parent is generally available in the home;
- b. The foster parent(s) are willing and able to accept foster children on short notice;
- c. The foster parent(s) have sufficient training to understand and meet the needs of children in care;
- d. When a child is admitted to the emergency shelter home, the foster parent(s) will:
 - 1) Conduct a brief health review of the child using the Emergency Shelter Care Health Review ([06-9372](tel:06-9372));
 - 2) Secure any necessary medical or dental treatment needed by the child;
 - 3) Alert the child's placement worker to any injuries and any medical, including psychological, treatment needs; and
 - 4) Provide the medical documents for copying for addition in the child's case plan.

2. Additional Provisions

The worker will:

- a. Provide the foster home with a supply of forms such as health care review forms and clothing inventory forms to use for future placements;

- b. Discuss the importance of taking each child to a medical provider at the earliest opportunity for an examination and documentation of any injuries suffered by the child prior to placement; and
- c. Discuss the importance of providing the results of the exam to the placement worker for that worker's information and placement in the child's case record.

3. Placements

The OCS may place a child in a foster home with an emergency shelter specialization with little or no prior notice and with no advance visit and may use the foster home to provide respite care. Emergency shelter placements usually last fewer than 90 days.

4. Emergency Foster Care Rate

The OCS will pay a foster home with emergency shelter care specialization an emergency rate for the first 10 days of when a child was placed with less than 24 hours notice to the foster parents.

5. Emergency Foster Care Stipend

Foster homes with agreements with OCS for a stipend to provide emergency care must be licensed to provide emergency shelter care. By entering into such an agreement, the foster home agrees to comply with additional requirements contained in the agreement and bills OCS separately for the stipend. The stipend is taxable.

B. Boarding Care in Foster Homes

The OCS will issue a foster home license with a specialization of Boarding Care to an applicant providing care to children residing outside their home communities for educational purposes if the applicant meets all necessary requirements. An individual who provides boarding care exclusively for children age 16 and older is exempt from licensure according to 7 AAC 50.101(a)(5), but may apply for a license. The OCS will not issue a license to a home that provides care exclusively to exchange students if those students are placed by a sponsoring agency that has evaluated and approved the home.

Boarding Homes are exempt from some licensing requirements as described in 7 AAC 50.630 and indicated on the Foster Care Report of Inspection ([06-9371](#)) (ROI) form. The worker will use the specialization article in the ROI to determine whether the applicant meets the remaining requirements for licensure.

C. Supervised Transition Living In Foster Homes

The OCS will issue a foster home license with a specialization for Transition Living to an applicant who meets licensing requirements and will provide or arrange for services designed to enable youth age 14 and older to successfully prepare for and make the transition to independence.

The worker will use the specialization article in the Foster Care Report of Inspection ([06-9371](#)) form to determine if the additional requirements are met for a foster home to qualify for a Supervised Transition Living specialization.

1. Youth ages 14 - 15

The worker will encourage the foster parent to take an active role in the child's exit plan beginning at age 14. The child will be encouraged to participate in youth activities and job opportunities that will help develop life skills.

2. Youth ages 16 - End of Custody

The worker will refer the child to participate in activities and job opportunities with grants available from the Casey Foundation. These activities will be coordinated with the child's caseworker and the Independent Living Coordinator in State Office.

D. Care for Pregnant and Parenting Adolescents in Foster Homes

The OCS will issue a foster home license with a specialization for Care for Pregnant and Parenting Adolescents to an applicant who

1. Meets licensing requirements; and
2. Will provide or arrange for services to care for pregnant adolescents, before or after the adolescent gives birth; or
3. Provided care as needed to adolescent mothers and their infants.

In addition to meeting the requirements for licensing as a Foster Home, the applicant must meet the requirements of 7 AAC 50.720 – 50.790. The foster home need not provide all services directly but may arrange for those services from other service providers in the community. The worker will use sections 50.720 – 50.790 of the Maternity Home Standard by Standard Evaluation ([06-9407](#)) form to determine the applicant's compliance with requirements for this specialization.

255 FOSTER HOMES WITH EMPLOYEES, VOLUNTEERS OR BABYSITTERS

AUTHORITY:

7 AAC 10	Licensing, Certification, and Approvals
7 AAC 50.110	Administrator or Foster Parent
7 AAC 50.120	Facility Operation and Management
7 AAC 50.130	Records
7 AAC 50.210	Qualifications and Responsibilities of Persons Having Regular Contact with Children in a Facility
7 AAC 50.220	Caregiver age Requirements and Additional Qualifications for Adolescent Caregivers
7 AAC 50.240	Supervision of Employees
AS 47.32.030	Powers of the Department; Delegation to Municipality

PURPOSE: To ensure that employees, volunteers, and/or babysitters in foster homes and foster group homes meet the licensing requirements.

POLICY:

Foster homes with employees, volunteers, or babysitters must comply with the applicable additional licensing requirements of 7 AAC 50.110 - 250.

PROCEDURES:

A. Employees and Volunteers

Each individual hired as an employee, or regular volunteer must complete an Employment Application ([D084-LIC-17](#)) and complete criminal background checks in accordance with [Chapter 600, Background Checks](#).

The worker will use the Foster Homes with Employees or Volunteers Report of Inspection ([06-9050](#)) and the Foster Care Report of Inspection ([06-9371](#)), to determine the applicant or licensee's compliance with the additional licensing requirements.

The foster parent must ensure that an employee or volunteer is able to safeguard the health and safety of the children in care. Any allegation against an employee or volunteer within a foster home/foster group home will result in an investigation of the home.

B. Babysitters

A foster parent may hire a babysitter not to exceed six hours at a time. The babysitter must be at least age 14 and mature enough to handle common emergencies.

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260 FOSTER HOMES PROVIDING CONCURRENT CHILD CARE OR ADULT CARE,

AUTHORITY:

AS 47.32.030	Powers of the Department; Delegation to Municipality
7 AAC 10.1000 – 1095	Environmental Health and Safety
7 AAC 50.300(c) & (d)	Admission

PURPOSE: To ensure a foster home/foster group home meets the needs of a child placed in out-of-home care when providing concurrent childcare or adult care services.

POLICY:

The Office of Children's Services (OCS) does not encourage foster homes to provide care for dependent adults or childcare because of the special needs of foster children and potential conflicts and risk to foster children inherent in providing such dual services. However, OCS may allow a foster home to provide adult care or childcare concurrent with foster care on a case-by-case basis. A foster home that provides adult care or childcare must follow the stricter of the entities licensing requirements.

PROCEDURES:

A. Adult Care

A child foster home wishing to provide care for dependent adults must develop with the placement worker, a plan of care for each child that ensures the health and safety of the child in care as well as the dependent adult seeking services. The plan of care must be approved by the licensing worker and supervisor.

B. Child Care

A foster home may wish to provide a child care service such as licensed or registered day care or care for one or more children on a regular basis. The worker must contact the other licensing entity regarding the provider's request and together determine whether it is appropriate for the licensee to provide both services. If both agencies agree, the applicant must ensure that the needs of foster children in the home are primary, and demonstrate compliance with any applicable fire and sanitation requirements.

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261 PRUDENT PARENT STANDARD,**AUTHORITY:**

AS 47.10.010	Jurisdiction
AS 47.10.084	Legal custody, guardianship, and Residual Parental Rights and Responsibilities
AS 47.35.027	Variances
7 AAC 50.400	Liability Protection
7 AAC 50.415	Supervision of Children in Foster Homes
7 AAC 53.100	Preventing Sex Trafficking and Safe Families Act of 2014

PURPOSE: Supporting normalcy in foster care is important to the children in Department custody. Foster care children need to engage in activities that can foster their growth and development, as well as provide them with the opportunities that their peers are able to have. The prudent parent standard assists with making these activities more accessible for foster children.

POLICY:

- A. Foster parents and child care institutions have the responsibility from the Federal and State government to provide prudent parent standards in the care of children they serve. Prudent parent standards require that there is the presence of at least one person in the foster home, or child care institution that is trained in applying these standards in the decisions that involve the participation of the child in developmentally-appropriate activities. Child care institutions will be trained in these areas on how to apply these standards in the same manner as foster parents. This includes non-high risk sports, field trips, overnight activities lasting less than 72 hours, and decisions involving signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, cultural and social activities. Activities that put the child at risk, trips for youth lasting longer than 72 hours and out of state trips will need Protective Services Specialist (PSS) signature. See CPS Manual sections 6.5.8 Participation in Risk Activities, 6.5.10 Trips for a child in Custody, 6.5.12 Drivers License/Drivers Privilege/Drivers Education, and 6.3.1 Medical Dental and Vision Care for further information.
- B. Prudent parent standards are characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. Age or developmentally-appropriate means:
 1. Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group, and

2. In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. (W.S.C 471(a)(10).

PROCEDURES:

A. Prudent Parent Standard:

The Community Care Licensing Specialist I (CCLS I) will discuss with the foster parent what Prudent Parent Standards are and what it means to them as a foster parent.

B. Monitoring of Prudent Parent Standard:

The CCLS I will monitor that the foster parent is allowing the child in state custody to participate in age appropriate activities that promotes their emotional and physical development during home visits and inspections.

C. Implementation of Prudent Parent Standard:

When the foster home or child care institution is following the prudent parent standard and the child is participating in activities that are assisting in the child's emotional and developmental growth, the PSS will document it in an ORCA as an activity case note. The CCLS I will contact the PSS to discuss if the foster home is meeting the Prudent Parent Standard for the children in care prior to conducting a home visit.

If a foster home or child care institution is not implementing the prudent parent standard for the child, a complaint will be entered in as an activity note under the provider, and the CCLS II will review for an investigation screening decision. See section 500.

1. The CCLS I will evaluate the area of concern and reasons that the child may not be participating in age and developmentally appropriate activities outlined in the child's case plan or by regulations.
2. If the foster parent does not understand their requirements in the prudent parent standard application or is having difficulty applying the standards, the CCLS I may make a referral to the Alaska Center for Resource Families (ACRF) for further guidance on the prudent parent standard.

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CHAPTER 300 RESERVED

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CHAPTER 400 CHILD PLACEMENT AGENCIES

410 LICENSURE REQUIREMENT AND EXEMPTIONS

AUTHORITY: AS 47.35.010, 47.35.015, 7AAC 56.010, 56.020, 56.030, 56.040

POLICY: In order to operate a child placement agency in Alaska, a provider must apply for and obtain a child placement agency license from OCS. The regulations define child placement agency as an individual or agency that arranges foster home, residential child care facility, adoptive home, or guardianship placements for a child.

Individuals or agencies exempt from licensure requirements are:

- (1) state, federal or municipal governments;
- (2) school districts;
- (3) Indian organization (any group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians) authorized to make placements, or an out of state Indian organization;
- (4) a person who places children for adoption by relatives;
- (5) a person who does the arranging on an incidental basis without compensation.
- (6) a person who arranges boarding care only
- (7) a person providing only foster or adoptive home studies, guardianship studies or licensing evaluations
- (8) an out of state agency under 7 AAC 56.040 that places two or fewer children a year in Alaska, or from Alaska into another state or country IF
 - (A) the agency is licensed or otherwise appropriately approved in the state where their principal office is located;
 - (B) the placement is approved by Alaska ICPC coordinator; and
 - (C) the agency has completed a plan of services defining financial and service responsibilities of the out of state agency before, during and following placement of a child

- (i.) in Alaska with a licensed agency or a licensed social worker in Alaska
- (ii.) out of state with an agency licensed or otherwise appropriately approved in state where the child to be sent to Alaska resides or the child to be received from Alaska will reside.

PROCEDURES:

410.1 Confirmation of Exemption:

After receiving a licensing inquiry, the worker determines if the provider is exempt from licensure requirements described above. If the provider is not exempt, the worker should refer to section 420 of this manual for general guidance on the license application process. If the provider is exempt, the worker should document the reason for exemption, confirm in writing to the provider, and maintain the record. A copy of the confirmation should also be sent to the licensing program coordinator in OCS central office. If a child placement agency is found to be exempt from the licensing requirements, yet wishes to become licensed, the worker will offer technical assistance and proceed with the licensing process as described in this section.

410.2 Licensing Requirements:

If a licensing worker learns that an unlicensed provider is operating as a child placement agency, the worker should contact the agency to discuss the licensing requirements, the agency's activities, and determine whether the agency is exempt, or subject to licensing requirements. If it is determined that the agency is subject to licensing requirements, the worker should notify the agency in writing, stating a maximum time period to obtain the license. (3-6 months) A licensing application packet should also be provided. The worker will provide technical assistance and proceed in the licensing process as described in this section.

410.3 Continuous Licenses:

Child Placement Agencies licensed before 1996 were issued licenses that did not have an expiration date. The licensing statute at that time provided for the issuance of "Continuous Licenses" to child placement agencies that would be in effect until revoked for cause. Although a number of child placement agencies throughout the state still operate under continuous licenses, a change in the licensing statute in 1996 made them subject to the same application, licensing, conversion and renewal processes as other facilities. Child placement agencies licensed since 1996 are issued either provisional or biennial licenses and all child placement agencies, regardless of license type, are subject to the same investigation processes as any facility applicant or licensee. Licensing staff must follow the general license renewal

procedures and complete the biennial review for all child placement agencies. For agencies operating under continuous licenses, a new license need not be issued, but a Licensing Action Form is to be completed and a corresponding Form 1 Blue entry made to document that the renewal process was completed and to prevent the license from showing as "expired" in the electronic record.

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420 APPLICATIONS FOR LICENSURE

AUTHORITY: AS 47.35.017, 7AAC 56.070

POLICY: In order to operate a child placement agency in Alaska, an agency or individual must submit an application on the form prescribed by the Division, and include all appropriate attachments.

- (1) Agency Response to Inquiries from Potential Applicants: When the worker determines that the inquiring agency or individual is not exempt, and must apply for a license, the worker will send an application packet to the inquirer. The worker will follow the procedure outlined in Section 110.1 of this manual. Contents of the licensing application packet for child placement agencies are listed in Appendix 4 of the manual.
- (2) Application Receipt and Processing : An application will not be considered complete until it contains all of the required information, unless it is an application for biennial renewal of a license; in that case only the attachments that need updating to reflect any changes since the last licensing renewal must be submitted with the application.

PROCEDURES:

420.1 Application:

An application submitted under this section shall be completed on the forms provided by the Division and shall be accompanied by the appropriate attachments. Because a child placement agency can be licensed for adoption services or foster care services, or both, forms and attachments should be specific to the services offered by the agency.

420.2 Initial Review:

After receiving the application and required documentation, the licensing worker will follow the steps outlined in sections 110.2.2 (Initial Review) and 110.2.3 (Investigation) of this manual.

420.3 Out of State Agencies or Individuals:

When the home office of an inquiring agency or individual is located outside of Alaska, 7 AAC 56.040(d) states that the agency must designate an instate child placing worker to serve as an agent for the agency. The location of the in-state child placing worker's (agent) office or home will determine which regional licensing unit

will be responsible for handling all inquiries, processing the application and maintaining the licensing records.

430 CONDUCTING THE INVESTIGATION

AUTHORITY: AS 47.35.005 Purpose, 47.35.010(a)(1) and (2) Powers of department, 7 AAC 50.005 – 990

POLICY: The division staff will perform a thorough review of the application and conduct the licensing investigation using the Child Placement Agency Standard by Standard Evaluation (Form 06-9018) and the worksheets applicable to the services provided by the agency to determine compliance with licensing requirements.

PROCEDURES:

Because there are so many detailed requirements with which Child Placement Agencies (CPA's) must comply, the worker must evaluate facility forms and records, and conduct an on-site review.

430.1.1 Application: Review carefully all forms and policies submitted with the application for compliance with requirements.

430.1.2 On-site: Many CPA's are agencies that also provide non-placement activities such as residential care, case management, or other children's services. In these cases, the worker will only investigate files and records that pertain to the child placement portion of the agency's activities. In addition to noting the presence of items required, the worker will conduct an on-site visit that will include the following:

- (1) Ask how employees are assessed for meeting qualifications;
- (2) examine personnel files, utilizing the Personnel Records Worksheet (06-9447) reviewing at least 1 former and 4 current employee files, including a sample from each job class with at least 2 being child placement workers, reviewing approximately 20% of the agency's employee records; look for documentation of screening for minimum qualifications for individuals having regular contact with children and clients in an agency;
- (3) examine children's files, and adoptive and/or foster family files, reviewing a minimum of 3 current and 3 former cases (within the most recent licensing period. Approximately 20% of case records should be reviewed for compliance;
- (4) review board minutes for compliance with 7AAC 56.100, if the facility is governed by a board;
- (5) review the operations manual, utilizing the Operations Manual Worksheet (06-9023); the operations manual should consist of:
 - (A) personnel policies and procedures;
 - (B) administrative policies and procedures;
 - (C) casework policies and procedures;

- (D) financial and fee policies;
- (E) records policies;
- (F) reporting policies and procedures; and
- (G) plan of operation and staffing plan.

430.2 Personnel Policies and Procedure

430.2.1 For Agencies that employ one or more staff or volunteers: Agencies that employ one or more staff, volunteers or contractors must have written personnel policies and procedures. Agencies that are owned and operated by one individual are not required to have personnel policies. The manual must be made available to all employees, volunteers or contractors.

430.2.2 Requirements: The licensing worker should determine that the personnel policies include:

- (1) Job descriptions and minimum qualifications for each position.
 - (A) Minimum qualifications of administrator, level II and level I child placing workers must meet or exceed those described in 7 AAC 56.200, 56.220, 56.230.
 - (B) Minimum qualifications for all employees having regular contact with children and clients must meet or exceed those described in 7AAC 56.210.
- (2) Procedures for supervision of employees and volunteers;
- (3) Procedures for evaluations of employees and contractors within six months and annually thereafter;
- (4) Procedures for immediate removal of an employee, contractor or volunteer from contact with children if there is reason to believe the individual poses a risk to the health, safety or well-being of children in care, including:
 - (A) Physical or sexual abuse of a child;
 - (B) physical, health, mental health or behavioral problems that pose significant risk to the health, safety or well-being of children in care;

- (C) domestic violence, alcohol or other substance abuse problem that might be detrimental to children;
 - (D) subject of adverse licensing action;
 - (E) indicted charged or convicted of offenses against children, families, or vulnerable adults, perjury, or other serious offenses;
 - (F) engaging children in a romantic relationship or in exploitive or sexual act; or
 - (G) furnishing a child with alcohol or a controlled substance.
- (5) Procedures for ensuring that employees', contractors' or volunteers' performance is not impaired by alcohol or controlled substances
 - (6) Procedures for obtaining fingerprint cards for all applicable employees, contractors and volunteers within seven days of start date, and for the agency to submit cards to appropriate agencies within 14 days of start date.
 - (7) A policy stating that no employee will be assigned permanent status before the agency receives a satisfactory report on state and federal criminal justice records from the Department of Public Safety.
 - (8) A policy prohibiting employees, contractors or volunteers from serving as foster parents, adoptive parents or guardians of a child served by the agency, unless administrator grants and documents an exception.
 - (9) Policies and procedures for obtaining completed application from each person hired as an employee, contractor or volunteer.
 - (10) Policies and procedures for obtaining references for prospective employees, contractors and volunteers; policy must meet criteria defined in 7AAC 56.210(j).
 - (11) Policies and procedures for meeting orientation and training requirements described in 7AAC 56.250 .
 - (12) Policies and procedures for ensuring confidentiality of all children and families, except as required by law.
 - (13) Policy and procedure for reporting suspected child abuse and neglect consistent with AS 47.17.

430.3 Administrative Policies and Procedures:

General administrative policies and procedures are required to be included as part of the operations manual. These should be made available to all employees, contractors and volunteers. Included in the administrative policies and procedures should be:

- (1) An organization chart, including designation of associate administrator;
- (2) A policy prohibiting retaliatory action taken against an individual who files a complaint against the agency; and,
- (3) A policy demonstrating the agency's responsibility to cooperate in any licensing investigations.

430.4 Casework Management Policies and Procedures

The child placement agency should have policies and procedures that describe and pertain to the specific placement services provided by the agency. These policies should be included in the operations manual and should be made available to all employees, contractors and volunteers within the agency. The casework management policies and procedures should include:

- (1) Placement policies that comply 7AAC 56.300-320, 7AAC 56.350-360, and 7AAC 56.380;
- (2) Policies regarding the agency's preplacement services and activities such as counseling, evaluation, intake, written agreements and information, creating a service plan, selection of placement settings;
- (3) policies and procedures that provide for the evaluation and approval of foster homes and families, adoptive homes and families, and guardian homes and families; orientation and ongoing training and support for these families;
- (4) Services to foster, adoptive and guardianship parents; services to birth parents.
- (5) Post-placement services and activities such as reviews and updates of services plans, monitoring of progress toward permanent placement; and
- (6) Procedures for reporting and addressing serious injury or illness or death of a child in the agency's care, and other emergency and non-emergency medical care.

430.5 Financial policies and fee schedule

The agency should have policies and procedures that apply to fiscal practices, and these should be made available to all of the agency's employees, contractors and volunteers. Fiscal policies and procedures should include at a minimum:

- (1) A policy describing the agency's procedures for budget approval that includes approving the annual budget of anticipated income and expenses to provide the services described in the agency's statement of purpose and approving or taking corrective action on financial audit reports;
- (2) A fee policy that clearly describes what fees are charged and what services are covered by the fees. Agencies providing adoption services should submit fee policy to OCS.
- (3) Other required items as described in 7AAC 56.110

430.6 Records

During the review, the licensing worker should examine a reasonable sample of the agency's records (see section 430.2). The operations manual should include a section on records (client and personnel records) that includes, at a minimum:

- (1) A records retention schedule;
- (2) A statement regarding protection of confidentiality, including clarification of what material is confidential (7AAC 56.150 (d)); and
- (3) A description of the contents of records including personnel, adoption, guardian, foster care, or residential care placement files.

430.7 Reporting Requirements

The operations manual shall include policies and procedures that address reporting requirements. The requirements are summarized in 7AAC 56.160 and AS 47.35.047.

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440 CHILD PLACEMENT AGENCY LICENSE APPROVAL OF FOSTER HOMES

AUTHORITY:

AS 47.32	Centralized Licensing and Related Administrative Procedures
7 AAC 50	Community Care Licensing
7AAC 56.140	General Casework Management
7 AAC 56.360	Selection of Placement Setting Requirements
7 AAC 56.550	Foster Home Study
7 AAC 56.560	Verification for Foster Home Licensing
7 AAC 56.570	Foster Home Management

PURPOSE: To promote safe and appropriate services by setting standards for licensure that will reduce predictable risk; improve quality of care; foster individual rights; and otherwise advance public health, safety and welfare.

POLICY:

The Child Placement Agency (CPA) develops a program to license foster homes that parallels that of the Department, and complies with the requirements set forth in AS 47.32 and 7 AAC 50.

PROCEDURE:

A. Training of CPA Licensing Staff

An OCS licensing worker will provide training to CPA licensing staff. The training consists of, at a minimum review:

1. Licensing statute and regulations,
2. Licensing process, and
3. Required and sample forms.

B. Process for License Approval of CPA Foster Homes

1. The child placement agency licensing worker forwards the following forms to the OCS licensing worker:
 - a. Copy of initial application.
 - b. License Action Recommendation (06-9124). The form is signed by the licensing worker who is making the recommendation, the worker's supervisor, and the administrator of the agency. Any conditions for licensing are included in the "conditions" section of the license action form. If the foster home will only take placements from the CPA, this is noted as a condition. The narrative section of the form issued for comments regarding license recommendations where no standard by standard has been completed.
 - c. Compliance Review Form (copy).

- d. Clearance Form (copies) for all persons age 16 and over in the home. This form is required if the home is a new applicant, when a new person 16 or older moves into the home and intends to remain or remains in the home for 45 days or longer, and for all household members 16 and older, at the time of renewal.
2. The OCS licensing worker:
 - a. Reviews the forms,
 - b. Initials where appropriate,
 - c. Creates the license,
 - d. Has the license signed by the licensing supervisor, and
 - e. Makes an entry into ORCA.

The original license is sent to the licensee, with a cover letter. Copies of both the letter and license are sent to the child placement agency, and copies of each of these documents are kept in the OCS files.

C. OCS Licensing Files

For a foster home licensed by a child placement agency, the file in OCS should contain:

1. A copy of the licensing application.
2. Licensing Action Recommendation forms.
3. Copies of the Compliance Review form.
4. Copies of the Clearance Forms.
5. Copies of the licenses, and cover letters.
6. Any subsequent records regarding conversations about the foster home or contacts with the home.

D. Process for General Variance Approval for Foster Homes

1. The variance application is completed by the foster home applicant and submitted to the child placement agency.
2. The CPA licensing worker makes the recommendation for approval or denial of the variance, signs and forwards to their supervisor.
3. The CPA supervisor reviews and makes additional recommendations or comments as needed, prior to signing and submitting to the variance to the OCS licensing worker.

4. The OCS licensing worker:
 - a. Reviews the request,
 - b. Makes a notation recommending approval or denial of the variance, and
 - c. Forwards to their supervisor.
5. The OCS supervisor:
 - a. Adds comments, if any
 - b. Signs the variance request, and
 - c. Forwards the request to the variance committee.
6. The variance committee follows the usual procedures for processing variance applications. Once the variance committee approves or denies the variance application, the form with the committee's comments is returned to the OCS licensing worker who prepares the cover letter and sends copies, as appropriate, to the foster home applicant and CPA and maintains copies for the file.

E. Variance Process for Placement of Non-Custodial Youth Age 18 to 21

1. The general variance application and plan for safety is completed by the foster care provider, and submitted to the child placement agency 30 days prior to the youth's 18th birthday, or at the time of placement if over age 18.
2. The CPA submits the variance request to the OCS licensing worker with verification that a legal guardian is in place, if the request pertains to a youth on a Children with Complex Medical Conditions (CCMC) Home and Community-Based Waiver Services.
3. A joint meeting is held with the CPA representative, care coordinator or case manager, foster family, legal guardian (if applicable), and licensing supervisor to discuss the plans in place for the youth to transition to a compliant placement or for the foster parents to complete the appropriate type of licensing process.
5. The licensing supervisor forwards the variance request to the variance committee.
6. The variance committee will determine the duration and conditions needed for the variance and follow the usual procedures for the processing of variance applications. Once the variance committee approves or denies the variance application, the form with the committee's comments is returned to the OCS licensing worker who prepares the cover letter and sends copies, as appropriate, to the CPA, foster care provider, and maintains a copy for the file.

F. Variations Approved for Placement of Non-Custodial Youth Age 18 to 21

When a foster home has an approved variance for a non-custodial youth age 18 to 21:

1. The variance is limited to the specific youth for whom the variance was requested.
2. The provider must submit a plan that ensures the safety of **all** recipients of care in the home including, but not limited to:
 - a. OCS/DJJ placements of all ages,
 - b. In private placements over age 18,
 - c. Medically fragile, and
 - d. Receiving behavioral health services.
3. The CPA must:
 - a. Comply with Section 430.7, Reporting Requirements, and
 - b. Report all incidents occurring between an older youth towards a younger child in placement.

G. General Variance Tracking

Each licensing supervisor will receive and track all variance requests approved or denied in their regional licensing SharePoint site.

H. OCS Ongoing Contact With Child Placement Agencies

It is the responsibility of OCS licensing staff to provide any new or revised forms to the child placement agency, and to notify the agency of any statutory, regulatory, policy or procedural changes that would impact the licensing of foster homes or the Child Placement Agency.

CHAPTER 500 COMPLAINT INVESTIGATIONS

AUTHORITY: AS. 47.35.010, AS 47.35.105

POLICY: Investigation of complaints alleging violation of the licensing statute or regulations is a primary licensing responsibility to adequately reduce predictable risk to persons in care.

510 RECEIVING AND RECORDING THE COMPLAINT

Receiving the Complaint:

The licensing worker receives and accurately records as much information as possible when the complainant originally contacts the department. Division staff elicits the exact nature of the complaint. The worker will ask if the complainant's name may be used. If not, the worker will advise that the complainant's name will be protected until the investigation is completed but may need to be disclosed at a later date to support enforcement action. The worker will ask if the complainant wants a copy of the final report. Anonymous complaints are accepted.

Recording the Complaint:

- (1) The licensing worker shall obtain as much of the following information as possible, and any other information that may be relevant.
 - (A) Name, address, and telephone number of complainant. Anonymous complaints are recorded and investigated.
 - (B) Name, address, and telephone number of the facility against which the complaint is made.
 - (C) Relationship of complainant to the facility, that is, parents of child, staff member, etc. If the complainant has no connection with the facility, the licensing worker will try to determine the complainant's sources of information for further questioning.
 - (D) Specifics of the complaint: What happened? Who was involved? When did it occur (date and time)? Where did it happen? Why did it happen? How did it happen? How long has the problem been occurring? Is the facility aware of the problem? Has the facility taken any action to correct the problem? Was medical assistance provided if necessary?
 - (E) Determination of whether the complaint has been discussed with or reported to the facility, other agencies, or law enforcement officials.

- (F) Determination of whether the person(s) in care has been removed from the facility.
 - (G) Names, addresses, and telephone numbers of others who may have knowledge of the alleged facts.
 - (H) Measures taken to protect persons in care. By whom?
- (2) If the report is of the death or serious injury, a complaint alleging child abuse or neglect, or if the complaint indicates that possible serious harm to a person(s) in care may have occurred, division staff obtains:
- (A) The name, age and sex of the person(s) in care affected, and the name, address, and telephone number of the parents or guardian.
 - (B) The nature and extent of harm, if any, from abuse.
 - (C) The name and address of the clinic or hospital, and/or the name of medical personnel or emergency medical services personnel attending the person(s) if medical assistance was obtained.
 - (D) The name, age and address of the person known or believed to be responsible for the harm from abuse, if known.
 - (E) Any other information believed to be useful including:
 - (i) Has the person(s) in care been removed from the facility?
 - (ii) Have the police been notified? Why and by whom? What action has been taken by the police?
 - (iii) Has the local protective services unit been notified? When and by whom? What action has been taken by protective services staff?
 - (iv) Have parents or guardians been notified for children not in state custody? What action has been taken?
- (3) After receiving and recording the above information, an entry will be made in the worker/unit complaint log. The log will contain the following information:

- (A) date complaint or report of harm received
- (B) name of facility
- (C) provider number
- (D) nature of initial complaint
- (E) name or initials of the person(s) in care involved
- (F) outcome status

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520 EVALUATION OF COMPLAINT INFORMATION

Supervisor Evaluation:

- (1) Before contacting the facility, the worker consults with the supervisor or regional licensing worker to evaluate the information to determine
 - (A) the clarity and completeness of complaint information;
 - (B) whether the complaint appears valid or history indicates may be harassment by a neighbor or former spouse, and tentative identification of standards violated according to the presenting information;
 - (C) what staff or team is most appropriate to investigate (child protection worker, licensing worker, law enforcement, or combination); and
 - (D) that, when appropriate, joint investigations are coordinated and information is shared.

- (2) Not all reports that are received actually require a complaint investigation. Reports alleging minor violations may be handled by telephone, letter, or on the next inspection visit. Child Protection reports may be investigated by the placement worker and, depending on the outcome and circumstances, may not require licensing action. However, a report of harm regarding an accidental injury may be ruled invalid by the placing worker but may raise concerns about supervision or physical safety issues that would result in a licensing investigation. Refer to the paragraph 500.20.2(1)(B).

Social Worker/Probation Officers Reports:

When a report from a social worker or probation officer regarding a licensed facility is addressed to a licensing worker, the worker will consult with the supervisor or regional licensing worker to determine:

- (1) Whether the concern alleges serious violation of licensing statutes or regulations.
- (2) Whether the referring worker has tried to deal directly with the facility to correct/clarify the problem
- (3) Whether the concern relates primarily to communication problems or concerns which should be clarified between the referring worker and the facility and a supportive plan may be formulated to improve the situation, or whether the facility is out of compliance with standards and a licensing investigation is warranted.

- (4) The supervisor may require that the reporting worker submit a written statement clarifying the issues and concerns to help in determining the appropriate action to take.

No Violation of Licensing Statutes:

- (1) The worker, with supervisory consultation as needed, will determine whether a complaint pertains to a setting not governed by AS 47.35, such as an out-of-home recreational or educational setting.
- (2) If there is no violation of the licensing law and harm is alleged, a referral to police for a criminal investigation may be appropriate.
- (3) Child protective services will not normally investigate incidents of harm in out-of-home settings.

No Violation of Regulations:

- (1) When a complaint is received that the licensing worker determines is not a violation of regulations, the worker will document that determination in the facility file. The facility is contacted and informed that a complaint has been received, but no violation has occurred.
- (2) The licensing worker evaluates the complaint for the possibility of harassment. A complainant may repeatedly contact the licensing worker about a facility with allegations that, upon investigation, are found to be invalid.
 - (A) When this occurs, it may be helpful to confront the complainant with the previous complaints and the result of the investigations and to explore at greater length the reasons the complainant is giving for calling again.
 - (B) If licensing worker determines that harassment is the probable motive, the complainant is notified that, unless new information indicates the possible violation of standards, a complaint investigation will not be conducted.
 - (C) If new information is provided, then the licensing worker must assess the information and, with supervisory consultation, determine if an investigation is necessary.

Violation of Statutes or Regulations/Classification for Investigation:

- (1) When there is cause to believe that there is violation of licensing statutes or regulations or a condition on a license, the following order is followed for initiating complaint investigations in an attempt to minimize harm by investigating the most dangerous situations first.
 - (A) Priority 1: Complaints concerning licensed facilities which allege death, sexual abuse or physical abuse of a child or that children in care are in situations where there is immediate danger of death or serious physical harm. Complaints concerning facilities not licensed under AS 47.35 shall be immediately referred to child protection, law enforcement, or Department of Education and early Development as appropriate.
 - (B) Priority 2: Complaints concerning licensed facilities which include:
 - (i) Abuse or neglect of a child in care of any age;
 - (ii) Reports of excessive or inappropriate discipline of children in care (if not covered in Priority 1).
 - (iii) Situations of inadequate supervision which provide indication of immediate danger.
 - (iv) Other regulation violations that indicate that children are at risk of harm.
 - (C) Priority 3: Complaints of regulation violations not included in Priority 1 or 2.
- (2) If the complaint is referred to CPS for investigation, the CPS worker and licensing worker will jointly assess the risk and determine the priority of the complaint.

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530 DETERMINING THE INVESTIGATOR OR INVESTIGATION TEAM

Joint Investigation of Reports of Harm in Licensed Facilities:

- (1) When a report of harm alleges that abuse occurred in a facility licensed by the division, the worker immediately notifies the CPS and licensing supervisor. Jurisdiction for the investigation is Child Protection (AS 47.17), however the investigation may be completed by a CPS worker and/or a licensing worker as determined by the supervisor(s). In locations where the CPS and licensing worker are the same person, no supervisor determination is needed.
- (2) In locations where the CPS worker and licensing worker are not the same person, the CPS worker provides a copy of the Report of Harm and any supporting documentation to licensing within 24 hours of the report for concurrent or further action under Licensing Complaints (AS 47.35).
- (3) In making a determination regarding substantiation of the allegation for licensing purposes, the worker will use a preponderance of the evidence as the standard of proof or more reason to believe it happened than not.
- (4) If the reporter expresses concerns that do not meet the statutory definitions of abuse or neglect, then the report is forwarded through the CPS intake supervisor to licensing for evaluation under AS 47.35.105.

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540 PLANNING THE INVESTIGATION

Requirements:

Prior to direct contact with the facility, the worker, in consultation with the supervisor and Attorney General, develops a plan for the investigation. In areas where there is no licensing worker, the social worker and supervisor will involve the licensing supervisor or regional licensing staff. At a minimum, the following is involved in developing the plan:

- (1) Review of the complaint allegations.
- (2) Tentative identification of statutes or regulations involved.
- (3) Review of information from the facility record to identify:
 - (A) the type of facility;
 - (B) date and finding of last visit to the facility; and
 - (C) a review of any previous complaints.
- (4) Contact with placement workers and guardians ad litem of children in care to see if they have noticed problems or have concerns. Placement workers should be advised of the current issues.
- (5) Request for information and assistance from the Department of Law, protective services, police, and experts such as the fire marshal or sanitarian where appropriate.
- (6) Determination of other calls or contacts that may be needed prior to visiting the facility to verify information or to gain additional information.
- (7) Planning for tentative investigative techniques to be employed, including the possible need for two workers or other safety issues and whether to involve staff from the Child Placement Agency or other agency if the licensing investigation was not conducted by the division.
- (8) Timing of first planned contact with the facility.
- (9) Where there is reason to believe that persons in care may be in immediate danger, planning for:
 - (A) placing a hold on all future placements pending the outcome of the investigation,
 - (B) the possible of removal of children in care and alert placement workers
 - (C) the possible removal of the alleged perpetrator, if any; or

- (D) suspension of the license may become immediately necessary until the investigation is concluded. Refer to Enforcement Action in Chapter 100.
- (10) Planning for notification to the facility and, when appropriate, to the facility employee who is the alleged perpetrator.
- (11) Where a licensee is directed to remove an employee from contact with children pending investigation, determination of the date the investigation is expected to be complete.

550 NOTIFICATION OF FACILITY

Required Notification:

An applicant or licensee will be notified by means of a Notice of Complaint (Form D084-LIC-14) or other approved documentation when a complaint is being investigated except as noted below.

Coordination:

The timing of this notification is coordinated with protective services staff or police, if they are involved in the investigation. However, when children not in state custody or care are involved and considered at risk, action to notify parents or guardians must be taken as soon as possible. Ensuring the safety of persons in care overrides delaying notification for investigation reasons.

Timing Factors:

Timing of notification to the facility will depend on the complexity of the complaint and continuing risk to persons in care. Early notification of Priority 1 or Priority 2 complaints may occur within hours or days, but this may not be appropriate with police involvement and the need to obtain adequate evidence. A facility should be notified of Priority 3 complaints within 14 days of receipt, if possible.

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**560 INSTRUCTION TO REMOVE EMPLOYEE FROM CONTACT WITH CHILDREN
PENDING INVESTIGATION**

Criteria.

The division may instruct a licensee to remove an employee from contact with children pending investigation of the complaint if the division has probable cause to believe that:

- (1) the employee has physically or sexually abused a child or does not meet the qualifications of 7 AAC 50.120, and
- (2) leaving the employee in a position of contact with children will place a child in care at significant risk.

Voluntary Action.

Prior to instructing the licensee to remove an employee from contact with children, the worker will discuss the allegation with the administrator of the facility, excluding confidential information, to see whether the administrator will take action voluntarily consistent with the agency policy as provided in 7 AAC 50.120(b). If the administrator is not willing to take action, the worker will proceed with an instruction for removal.

Instruction for Removal.

An instruction for removal is not intended to encourage the licensee to terminate the employee. A licensee may comply with such an instruction in various ways, such as by placing the employee in a support role away from the facility.

Duration of Instruction.

An instruction by the division that a licensee must remove an employee from contact with children in care pending investigation remains in effect until superseded by an instruction either extending or retracting the instruction to remove, or until issuance of findings disposing of the complaint, whichever occurs first.

Additional Considerations.

Nonetheless, the division will, within 30 days from service of the instruction to remove, either issue an instruction withdrawing the instruction to remove or issue findings disposing of the complaint. However, the CSM or a designated Social Worker V or equivalent or some higher official of the Department may determine in writing that exigent circumstances prevent conclusion of the investigation within 30

days and that it is necessary to extend the removal instruction for the protection of children in care. The division will consider whether there are alternatives to removal that would equally or better protect children pending the completion of the investigation.

570 NOTIFICATION TO AFFECTED FACILITY EMPLOYEE PENDING INVESTIGATION

Required Notification:

If a licensee is directed by the division to remove an employee from contact with children pending investigation, written notification shall be given to the employee with a copy to the licensee.

Time for Notification:

Written notification shall be delivered if feasible to the affected employee as soon as possible but within 24 hours after the division first instructs the licensee to limit the employee's contact with children. Delivery may be made by handing the notification to the employee, leaving it at the employee's residence, or by mailing it to the employee's personal address by certified mail with return receipt requested. See Appendix E for a sample notification.

Notification Delayed or Excused:

Notification may be delayed if, prior to the time notification must normally be given, the Children Services Manager or a designated Social Worker V or equivalent or more senior officer in the Department of Health and Social Services

- (1) concludes notice would place children at risk or would significantly hamper a criminal investigation, and
- (2) places a brief written statement of the reasons for withholding or delaying notice in the investigative file when the decision is made to withhold or delay notice; prompt notification shall be given as soon as the reasons for delay cease to exist.

Contents of Notification:

The written notification shall contain a concise statement of the basis for the division's instruction that an employee be removed from contact with children in care pending investigation. The statement should contain relevant facts such as the date, time and place of the alleged acts, except that the division may not disclose information that would compromise an on-going police investigation or that would violate the confidentiality requirements of 7 AAC 54.010 - 7 AAC 54.150. The notification shall further inform the employee that the State has required the licensee to remove the employee from contact with children pending investigation of a complaint; that the employee has a right to make a written request for an opportunity to provide information, including a personal interview with the investigating worker or the worker's supervisor or the division's designees, which the employee feels might have a bearing on the investigation; that the employee may bring an attorney or other representative to the interview; that the employee is free to terminate the interview at any time and that any

statements or information provided by the employee may be used against the employee or shared with law enforcement agencies; and that the employee may suggest to the division alternatives other than total removal which would equally or better reduce risk to children in care.

Interview:

The employee's personal interview will occur within 48 hours after receipt of the employee's request. The interview may be tape-recorded at the employee's request or if the division requests that it be recorded and the employee agrees. The interview may be briefly delayed if the investigating worker, investigating supervisor, or employee is prevented from conducting it timely for pressing reasons, such as weather preventing travel or involvement in investigation of higher priority complaints or higher priority reports of harm. The employee must fund his or her own travel to the interview, but the interview may be conducted telephonically at the request of either the division or the employee.

580 ESTABLISH AND MAINTAIN THE INVESTIGATION FILE

Separation of Records:

When a complaint is received, the licensing worker establishes an investigation file separate from the facility record. The file is confidential while the investigation is in progress.

- (1) During the investigation, material added to the complaint investigation file by the licensing worker includes:
 - (A) A copy of the CPS Intake Data/Report of Harm (Form 06-9700) report of child abuse, if applicable.
 - (B) Community Care Facility Notice of Complaint (Form DO84-LIC-14) or other documentation of notice to the facility.
 - (C) A copy of all hand written notes.
 - (D) A copy of pertinent facility records.
 - (E) As applicable, photographs, medical reports, police reports, reports from other agencies, reports from protective services and complainant letter, if applicable.
 - (F) The investigation report or letter of investigation findings or
 - (G) Notice of enforcement action or injunctive relief if negative licensing action is being pursued.
- (2) The licensing worker records all information obtained in an investigation including the source, date, time and method obtained.
- (3) In developing the record, the licensing worker gives special attention to physical evidence and records, what type of evidence is secured, where and when it was found, and who found it. When physical evidence is involved:
 - (A) The licensing worker documents in whose possession it has been placed throughout the course of the investigation.
 - (B) To avoid the possibility of accusation that the evidence was tampered with, the licensing worker does not permit physical evidence to leave the worker's possession, or follows the advice of an AG or police regarding rules of evidence. Preservation of evidence is a necessary part of the preparation required for an appeal or court hearing.

- (4) The separate investigation file is maintained until the complaint investigation is completed. Upon completion of the investigation, the licensing worker places the investigation report and supporting documents in the facility records with confidential information not subject to public inspection clearly noted for ease of removal in the event of a request to review the file.

590 INVESTIGATION PROCEDURES

Initial Investigation Contact

- (1) Initial contact with the facility is usually unannounced, depending on the allegations, but initial telephone contact may at times be appropriate. The licensing worker may contact the complainant before visiting the facility to request any additional information needed or to clarify details of the complaint. A Notification of Complaint (Form D084-LIC-14) will be used to notify the facility. A copy is hand-delivered to the facility, and the worker may ask for a signature on the original to document delivery.
- (2) The licensing worker may not be required to make a visit if a telephone contact or review of the facility record resolves the complaint. See Disposition of the Complaint, 595.
- (3) The licensing worker will complete the Notification of Complaint (Form D084-LIC-14).
 - (A) The initial allegations are recorded and handed to the facility administrator or person in charge.
 - (B) The purpose for using the form is to cause the applicant/licensee to focus on the allegations.
- (4) The licensing worker advises the facility administrator or person in charge of the purpose of the visit and the general nature of the complaint, or hands the person the Notification of Complaint.
 - (A) The licensing worker introduces anyone accompanying the worker and explains that person's role in the investigation. If the facility administrator requests to know the identity of the complainant, the licensing worker must inform the administrator that the information is confidential until the investigation is complete unless the allegation is abuse or neglect. If the complaint was a result of a Child Protection Report of Harm, the identity of the complainant may continue to remain confidential under AS 47.17.040.
 - (B) If the licensee raises a question about the procedures of the investigation, or refuses to permit the licensing worker to proceed with the investigative plan, the worker will remind the licensee of the requirement to investigate under AS 47.35.105(b) and the requirement to cooperate under AS 47.35.110. If the licensee continues to refuse the worker access, the worker will consult with the supervisor and an Assistant Attorney General (AG) to determine whether to request a search warrant or take other appropriate enforcement action.

- (5) When surveillance or intensified monitoring is indicated, the licensing worker documents the plan and purpose, obtains supervisory approval on the plan, and files the approved plan in the facility file.
- (6) During the visit, the licensing worker is alert to any conditions hazardous or potentially hazardous to persons in care. If the worker notices regulation violations in addition to those in the original complaint, the worker will address them with the licensee or staff person present, document them in writing or on an addendum to the notice of complaint, ask the licensee or staff person to initial the additions, and leave a copy at, or send to, the facility.

Sources of Information.

As the investigation proceeds, the licensing worker may have to contact persons not identified in the tentative plan. These contacts may include, but are not limited to:

- (1) References.
- (2) Neighbors.
- (3) Fire, health and law enforcement officials.
- (4) Staff of other agencies (city zoning, etc.).
- (5) Parents and other relatives of children in care.
- (6) Children in care, present and past, but children no longer in custody may not be contacted without approval of the parent or guardian.
- (7) Facility staff, present and past.
- (8) Persons mentioned by director, staff, neighbors, parents, complainant, etc.
- (9) Physicians, hospital staff, and other health agency staff.
- (10) Identified witnesses.
- (11) Other department staff.

Photographs.

The licensing worker may find photographs useful documentation during the conduct of complaint investigations.

- (1) The licensing worker may find that photographs are valuable evidence to support testimony and to document visible violations of standards, such as an unsanitary room or a hazard. A child with an injury will only be photographed by a CPS worker in connection with a child protection investigation.

- (2) The licensing worker will write on the back of each photograph if using a Polaroid camera, or will maintain a sequential list for documentation on each photograph when developed, the following information:
 - (A) the name of the facility,
 - (B) the date, and
 - (C) the time.
- (3) The licensing worker signs the photograph and indicates that the photograph is x of y number of photographs taken on a particular date. The worker should also indicate the area in the facility photographed and the names of any individuals in the photographs, although individuals are not generally included in photographs.

Length of Investigation

- (1) The division will attempt to conclude most licensing investigations within 30 working days, but complex investigations may exceed 30 days. Circumstances which may delay completion of an investigation include:
 - (A) involvement of protective services or police,
 - (B) multiple alleged violations or additional violations alleged or observed,
 - (C) multiple alleged perpetrators,
 - (D) rural locations, multiple locations,
 - (E) reluctance or unwillingness of a child sexual abuse victim to disclose abuse or identify a perpetrator,
 - (F) essential out-of-state witnesses,
 - (G) numerous witnesses or victims,
 - (H) need to conduct physical examinations,
 - (I) a need to consult with health care professionals or other experts,
 - (J) a need to consult with an AG or DA, or
 - (K) conflicting workload priorities as in one-person offices.
- (2) The licensing worker shall periodically contact protective services or police to ensure investigation progress and conclusion and report progress to supervisor.

- (3) Other factors to be considered include whether a criminal proceeding or investigation will prevent completion of the licensing investigation, or whether facts not presently available to the division are likely to be determinative.
- (4) The worker will inform the facility if the completion of the investigation will be delayed.

595 DISPOSITION OF THE COMPLAINT

Results of Notification Required.

The applicant/licensee is to be notified of the results of the investigation of the complaint, including all the allegations(s), citation of standards evaluated, non-compliance, corrections needed, and time limit for corrections, if any.

Actions.

The licensing worker disposes of complaints alleging violation of statutes or regulations depending on findings and risk to persons in care. With supervisory approval, and the advice of the Attorney General, the licensing worker will take one or more of the following actions:

- (1) Write a Complaint Investigation Report, including the results of the investigation of any additional violations alleged or observed.
- (2) Recommend revocation of a license or denial of an application in accordance with Chapter 100.
- (3) Make a request of injunctive relief to the local district attorney, or the attorney general, in conjunction with item 2 above, or with regard to an operating unlicensed facility.

Complaint Investigation Report.

The licensing worker includes the following in a letter of findings:

- (1) The purpose of the visit(s) or telephone call(s) and the date(s) are stated. The name of the person(s) conducting the investigation and the person in charge at the facility is stated. A statement that the allegation(s) involves possible violations of the applicable (type of facility) standards or licensing law is included.
- (2) The results of the investigation are described including:
 - (A) each allegation of a violation of regulations;
 - (B) numerical citation of each standard evaluated, (the entire text is not required unless considered helpful);
 - (C) findings;
 - (D) corrections needed and time limit set for corrections (a Noncompliance and Plan of Correction Form 06-9452 may be utilized); and
 - (E) a statement that monitoring will occur, if applicable.

- (3) Findings are limited to the following:
 - (A) Substantiated – there is a preponderance of evidence to support the determination that a statutory or regulatory violation occurred.
 - (B) Not Substantiated – there is no evidence to support a determination that the alleged violation of a statute or regulation occurred; or, there is insufficient evidence to determine that a statutory or regulatory violation occurred.
- (4) Reported expressions of concern which are not in violation of regulations may be included and consultation offered. However, there must be clarity that this is consultation and not required.
- (5) The cover letter must inform the licensee that the licensee may respond to conclusions in the report, and the response will be filed in the facility file.

Scale of Proof

100%	----	COMPLETE, UNDISPUTED EVIDENCE
	----	BEYOND REASONABLE DOUBT
	----	CLEAR AND CONVINCING
50%	----	PREPONDERANCE OF EVIDENCE
	----	PROBABLE CAUSE
	----	CREDIBLE EVIDENCE
0%	----	NO EVIDENCE

Notification.

Notify the complainant when the investigation is complete if the complainant asked to be informed of the results as provided in 500.10(a).

Recommended Revocation or Denial.

If the disposition is a recommendation of revocation or denial, the licensing worker proceeds in accordance with Chapter 100.

596 NOTICE TO EMPLOYEE UPON DISPOSITION OF THE COMPLAINT

- (1) Upon completion of an investigation where there has been an instruction for removal, the licensing worker shall issue a copy of the findings to the employee.
- (2) If the findings following investigation conclude that there is, at minimum, a preponderance of evidence that the allegations are valid, and if the licensee as a result of the investigation is required by the division to permanently remove the employee from contact with children in care, the employee shall be given
 - (A) notice of the basis for the findings; and
 - (B) notice of a right to request a hearing to contest the findings and
 - (C) a hearing request form.
- (3) The employee, within 15 days of receipt of the findings, shall submit a written request for a review under the grievance procedures in 7 AAC 54. A request submitted after the fifteenth day is untimely unless exigent circumstances delay otherwise-diligent efforts to submit a timely request.

597 REVIEW OF FINDINGS ISSUED TO AFFECTED EMPLOYEE

Upon receipt of a timely request for review of the findings that the allegations against the employee are valid, there shall be a review as provided in 7 AAC 54, except that:

- (1) The review shall be by a hearing officer.
- (2) The information provided to the hearing officer under 7 AAC 54 shall be the investigation file and any tape recording or transcript of a personal interview.
- (3) If the hearing officer is requested to take testimony and/or allow supplementation of the record, the proceedings shall be conducted in accordance with AS 44.62.410, AS 44.62.420, AS 44.62.430, AS 44.62.440, AS 44.62.460, AS 44.62.470, AS 44.62.530, AS 44.62.560, AS 44.62.570, and AS 44.62.620.
- (4) The hearing officer's deliberations, recommended decision and written findings shall conform to 7 AAC 54.
- (5) The Commissioner's decision shall be the final agency decision.

598 EVIDENCE OF REHABILITATION OR EXCULPATION OF TERMINATED EMPLOYEE

Submitting Evidence:

A child care employee (1) whose employer was directed to remove the employee permanently from contact with children in care or (2) who was the subject of an investigation that concluded with a finding of "inconclusive" and whose employer was ordered to remove the employee from contact with children in care during the investigation, may submit to the division information pertaining to rehabilitation or exculpation of the employee. An employee in the first category may submit such information no sooner than one year from the issuance of the investigation report or final agency decision, whichever is later. An employee in the second category may submit such information at any time. Such information shall become part of the licensing file.

Confidentiality:

Such information must not name or otherwise identify children, dependent adults, their families or a person who has reported harm to a child, and must otherwise satisfy confidentiality requirements of federal and Alaska statutes and regulations. At the time it issues its findings, the division will advise persons entitled to submit such information that they must satisfy confidentiality requirements. The division may remove confidential information from such submissions before the file is made available to the public. If substantial efforts will be required to remove confidential information, the division may require the person submitting such information to remove confidential information.

Response:

The division may place in the licensing file a response to the information if it wishes to do so, in which case it shall send the employee a copy of the response. The division may place a disclaimer in the file that the division does not vouch for the truth or accuracy of any of the information submitted by the employee, is not responsible for correcting, disputing or responding to the information submitted, and is not responsible for insuring that information submitted does not breach rights, including rights of privacy, of persons named or identified in information submitted. The division is not obliged to respond in any way to such information, and may not be civilly liable for responding, making a partial response or failing to respond.

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CHAPTER 600 BACKGROUND CHECKS

605 FINGERPRINT-BASED CRIMINAL BACKGROUND CHECKS

AUTHORITY:

AS 47.32	Centralized Licensing and Related Administrative Procedures
AS 47.05	Criminal History; Registry
AS 47.14.100	Powers and Duties of Department over Care of Child
7 AAC 10	Barrier Crimes, Criminal History Checks, and Civil History
Databases 7 AAC 50.030	Application for License
7 AAC 50.210	Qualifications and Responsibilities of Persons Having Regular Contact with Children in a Foster Home
P.L. 109-248	The Adam Walsh Act
42 U.S.C. 671(a)	State Plan for Foster Care and Adoption Assistance

PURPOSE: To promote safety of children in out-of-home care by ensuring background checks are conducted on placement resources.

BACKGROUND INFORMATION:

A. Federal Requirements:

1. Federal law requires background checks for prospective foster and adoptive parents and guardians.
 - a. The background checks include:
 - 1) Criminal record checks; and
 - 2) Child and abuse registry checks in each state where the prospective foster parents have lived in the past five years.
 - b. The criminal background checks must be fingerprint-based. If a name-based criminal background check is done due to rejected fingerprints and the fingerprints were rejected solely because the fingerprint impressions were of low quality due to lack of technological capacity or use of improper techniques, the federal requirement for a criminal background check is not met.
 - c. Although state regulations allow the department to grant a variance for an individual convicted of certain permanent barrier crimes, the federal safety requirements under Title IV-E are not met if a foster or adoptive parent has been convicted of a crime addressed in 7 AAC 10.930(g).
2. Federal law prohibits Title IV-E reimbursement for foster care assistance costs for a child who is placed in a foster home where a prospective foster parent has committed any of the following crimes:
 - a. A felony conviction at any time for:
 - 1) Child abuse or neglect;

- 2) Spousal abuse;
 - 3) A crime against children (including child pornography);
 - 4) A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or
- b. A felony conviction within the past five years for:
- 1) Physical assault;
 - 2) Battery; or
 - 3) A drug-related offense.
3. Federal law requires states to respond to requests from other states for child protection registry checks.
 4. Under federal law, child protection registry information obtained from another state for conducting background checks in foster care placement cases may not be used for any other purpose.

B. State Requirements

1. State regulations require a fingerprint-based criminal background check for each individual to be associated with the applicant. This requirement applies to all individuals age 16 or older who are not recipients of services and who wish to reside with the applicant. Recipients of services are children in state custody who are placed in the home.
 2. State law requires a fingerprint-based criminal background check for relative caregivers. This includes any member of the relative's household who is 16 years of age or older when the relative requests placement of the child.
 3. If fingerprints are rejected, a name-based criminal background check is done through the Department of Public Safety (DPS). If the name-based check reveals no evidence of a barrier crime, the results satisfy the state requirement.
 4. The department may waive the fingerprint requirement under AS 47.05.310(e) if an individual is unable to provide fingerprints due to a medical or physical condition that is documented by a licensed physician.
 5. State regulations allow the department to grant a variance for an individual convicted of certain permanent barrier crimes.
- C. Confidentiality of Criminal Justice Information: Under state and federal laws and regulations, criminal justice information is confidential and may **not** be released to any other individual or agency except that some information may be released to perform licensing and adoption activities when proper dissemination of information procedures are followed. An individual may request copies of their criminal justice information from the Department of Health Care Services Background Check Program (BCP).

POLICY:

- A. To assure the safety of children in out-of-home care, OCS will assess the criminal backgrounds of individuals age 16 and older who work, volunteer, or reside in a foster home or work or volunteer at

a child placement agency. OCS may use information gathered from a criminal justice information search to prevent individuals with a record of barrier crimes from contact with children in care.

B. Criminal Background Checks:

1. The Background Check Program (BCP) in the Division of Health Care Services will process background checks on individuals required to have a criminal background check. Foster care applicants, unlicensed relative caregivers, household members' age 16 and older, adoptive/guardianship families, and child placement agencies will all have their background checks processed through the BCP.
2. Foster Homes and Unlicensed Relative Caregivers: For new foster care applicants and unlicensed relative caregivers, a fingerprint-based check on all household members age 16 and older is required. This includes individuals living or intending to live at the licensed foster home for more than 45 days total in a 12-month period.
 - a. If the foster family resides out-of-state, the criminal background check must include a federal fingerprint based background check and child protection registry check in the state that the foster family has lived in for the past five years. State policy will be followed for any other criminal background checks that may be required by the state the foster family resides in;
 - b. If a foster care applicant has an existing fingerprint based background check with OCS in Alaska as an unlicensed relative provider or a licensed foster parent a new fingerprint based background check is not required.
 - c. If a valid BCP fingerprint check has been completed within less than five years, new fingerprint results are not required. Providers who were printed before June 29, 2017 will follow the six-year timeframe;
 - d. If fingerprint based background check results have less than 180 days remaining and have been inactive with the BCP for less than 100 days, then the provider's background check can be reinstated without needing a new fingerprint based background check.
 - e. If an OCS foster home transfers to a Child Placement Agency with no lapse in their foster care license, individuals for whom fingerprints have been processed through the BCP do not need to be reprinted. However, an On-Line Background Check Application must be submitted to the Background Check Program (BCP), so the Case ID number for the fingerprint results is attached to both agencies; and
 - f. Except when foster homes are licensed under emergency conditions, the application will not be approved until the results from the criminal background check identified in 1) and 2) of this policy section have been received by OCS.
3. Rejected Fingerprints:
 - a. If the Department of Public Safety (DPS) rejects two sets of applicant's fingerprints, a name-based check from DPS is conducted after the second rejection. A name-based check is not eligible for Title IV-E funding unless the individual is unable to provide

fingerprints due to a medical or physical condition documented by a licensed physician.

- b. If another state requests child abuse and neglect information from Alaska's registry, the requests will be forwarded to the APSIN Unit for research and response. See Subsection (T) of this policy Responding to Child Abuse and Neglect Information Requests from Other States.

PROCEDURE:

- A. Foster Care Applications: Upon receipt of the foster care application (both initial and renewal), and clearance forms the Licensing Specialist will:
 1. Review the foster care application and supporting forms within ten days of receipt of the application;
 2. Research child protection records, previous licensing records, and court view; and
 3. Process the background checks through the BCP.
- B. Processing the background checks through the Background Check Program: Using the provider identification number assigned by the BCP the fingerprints will be submitted to the BCP within the New Alaska Background Check System (NABCS) database, including the completed:
 1. On-Line Background Check Application Process in NABCS;
 2. Release of Information Authorization Form;
 3. Fingerprint cards; and
 4. All applicable fees.
- C. Household Members Turning Age 16:

For household members turning age 16, the provider must submit the clearance form and fingerprints within 30 days of the youth's 16th birthday. In a licensed foster home, if the fingerprints are not submitted within this period, a plan of correction for missing fingerprints must be issued. If fingerprint results are not received by the first day of the 3rd calendar month after the month of the 16th birthday, the license must be modified to Not Fully Licensed, and a new license issued. (**Note:** This requirement also applies to youth in finalized adoptions or guardianships residing in a foster home). Children in the custody of the Department of Health & Social Services (DHSS) or other recipients of care are exempt from this fingerprinting requirement.

Examples:

16 th birthday	If not fingerprinted or fingerprints received by the effective date listed below the home will become "not fully licensed."
4/1	7/1
4/15	7/1
4/16	7/1
4/30	7/1

D. Finalized Adoption or Guardianship for Child Age 16 or Older:

When an adoption or guardianship finalizes for a child who is placed in the home, the child is considered a household member and is subject to the background check requirements for household members. If the child is age 16 or older at the time of finalization, the provider must submit the clearance form and fingerprints within 30 days after the date of finalization. If the fingerprints are not submitted within this period, a plan of correction for missing fingerprints must be issued. If fingerprint results are not received by the first day of the 3rd calendar month after the finalization month, the license must be modified to Not Fully Licensed, and a new license issued.

Examples:

Date of adoption or guardianship finalization	If not fingerprinted or fingerprints received by the effective date the home will become "not fully licensed."
4/1	7/1
4/15	7/1
4/16	7/1
4/30	7/1

E. New Household Members, or Staff:

If the Licensing Specialist determines the foster home or child placement agency has a new household member or employee and finds that the foster home or agency failed to complete the criminal background check for that individual, the Licensing Specialist must immediately contact the foster home or agency by telephone and request the fingerprints and clearance form. If the fingerprints are not submitted within 30 days, a license with a plan of correction for missing fingerprints must be issued with an effective date of the first day of the 2nd calendar month after the date of determination, the license must be modified to Not Fully Licensed, and a new license issued.

Examples:

Date of determination	+ 30 days	If not fingerprinted, or fingerprints received by the effective date the home will become "not fully licensed."
4/1	5/1	6/1
4/15	5/15	6/1
4/16	5/16	6/1
4/30	5/30	6/1

If the individual refuses to be fingerprinted, OCS will inform the foster parents that the individual must move out of the home. If the individual refuses, OCS or the placement agency must remove the child(ren) placed in the home, and the department may take the most appropriate enforcement action.

- F. Foster Homes with Employees or Volunteers: A foster parent must notify their Licensing Specialist when they wish to hire an employee or have an unsupervised volunteer working in their home. The Licensing Specialist will process the background checks through the BCP.
- G. Child Placement Agencies (CPAs): Before any regular contact with children, the child placement agency will process the background checks through the BCP for the agency administrator, employees, and volunteers ages 16 and older.
- H. The Licensing Specialist will request that each individual and CPA for whom background checks are required provide:
 1. Fingerprints,
 2. A Clearance Form (06-9437), and
 3. The BCP Release of Information Authorization for Background Check form.

Note: *Individuals rolling fingerprints electronically need to save two sets of fingerprints within the LiveScan/CrossMatch system and transmit once a personal ID number is issued from the BCP submission of the online application.*

- I. Fingerprint Procedure:
 1. Applicant(s) and household members age 16 and older will be fingerprinted with LiveScan units. OCS staff will submit fingerprints electronically to the Background Check Program. See LiveScan/CrossMatch Training Manual.
 2. In areas where a LiveScan unit is not available, applicants and household members age 16 and older will have fingerprints rolled using an ink kit. See Applicant Instructions - Fingerprint Cards (D084-LIC-16) form.
 3. If the ink fingerprints are completed the PS Specialist will forward all documentation to the Licensing Specialist or designated staff person in their region to coordinate the submission of fingerprints and On-Line Applications to the BCP.
- J. Fingerprinting Costs:

1. For OCS foster parents, unlicensed relative caregivers, and household members age 16 or older that are required to submit fingerprints, OCS pays the costs associated with rolling and processing the fingerprints.
 2. Foster homes with employees or unsupervised volunteers are responsible for the cost of rolling and processing the fingerprints.
 3. A child placement agency's foster parent may incur a cost for fingerprint rolling and the DPS/FBI report, or the placement agency may cover those costs.
 4. Placement agencies are responsible for the cost of rolling the fingerprints and obtaining the DPS reports on all staff subject to criminal background checks. Agencies must include a check for the cost of obtaining the administrator's DPS report when they send the administrator's cards and clearance form to the BCP.
- K. Pending Fingerprint Results: If, while awaiting results from the BCP, OCS or a placement agency wants to place a child in the home, OCS may issue the home a provisional license under emergency conditions following the procedures described in Chapter 200, Section 217, Provisional License Under Emergency Conditions.
- L. Rejected Fingerprints:
1. If the applicant provides fingerprints later rejected by DPS, the Licensing Specialist or partner agency must ask the applicant to provide new fingerprints. The applicant must agree to provide new fingerprints within ten days.
 2. The BCP conducts a name-based check after a request from OCS when the fingerprints are rejected a second time by the FBI. If a state name-based check is needed OCS may make this request to the BCP. To support the request, send a copy of the Certification of Medical Condition Regarding Fingerprints (06-9438) form or other medical statement completed and signed by a licensed medical professional.
- M. The Background Check Program will:
1. Conduct an extensive criminal background check for all electronic and ink fingerprint cards sent and conduct other checks including:
 - a. Alaska Public Safety Information Network (APSIN);
 - b. Alaska Court System/Court View;
 - c. Juvenile Offender Management Information System (JOMIS);
 - d. Certified Nurse's Aide (CNA) Registry;
 - e. National Sex Offender Registry (NSOR);
 - f. Office of Inspector General (OIG);
 - g. Child Protection Records and Previous Licensing Records (ORCA and Prober);

- h. Alaska Medical Assistance Exclusion List;
 - i. ICCIS - Child Care Program Office child care provider database; and
 - j. Any other records/registries the department deems applicable.
2. When the background check is completed, the BCP will send the final determination notification to the OCS State Program Coordinator for licensing, Notice of a Barring Condition is sent to the regional office and the OCS State Office Program Coordinator for licensing. The results can be viewed/printed via the background check system database.
 3. Contact the OCS APSIN Unit when a CPS check reveals a child protection history exists that needs further research. The APSIN Unit will log and forward requests to a designated CPS manager in the appropriate region to review the case file for a determination of whether the substantiation is valid and whether due process was given (i.e., the perpetrator was given a notice of right to appeal the determination).
 4. Show a provisional clearance in the NABCS database if no barring conditions are found in the initial background check.
 5. If a barrier crime or condition is not discovered, the BCP will send a final clearance notice/Approval Letter to:
 - a. The individual;
 - b. The provider; and
 - c. OCS.
 6. If a barrier crime or condition exists the BCP will send a notice to:
 - a. The provider, informing them that a barrier crime or condition exists and the timeframe of the crime or condition; and
 - b. OCS, identifying the barrier crime or condition and the timeframes for the barrier crime or condition; and
 - c. The individual with a barrier crime or condition, informing them of the barrier crime and amount of time-barred. If individuals wish to disclose barrier crimes to the provider submitting the request, the provider may then request a variance for the barrier condition. See Section 610, Barrier Crimes and Variances.

N. Prospective Foster Parents:

1. The Licensing Specialist will confirm via the NABCS database that all appropriate criminal background checks have been done and that the results of the checks do not prevent licensure of the home. These results must be summarized in the foster parent or caregivers ORCA record and the hard copy licensing file. If a check has not been done, it must be done before approval of the foster care placement.

2. If the criminal justice information check reveals that the prospective foster parent or another household member age 16 or older has a barrier crime, the Licensing Specialist will address those with the applicant to determine whether the applicant wants to proceed with the licensing process or variance for the barrier condition. See Section 610, Barrier Crimes and Variances.
3. The Licensing Specialist will:
 - a. Print the confirmation page showing submission is complete and place in Part V, the Confidential section of the provider file;
 - b. Confirm via the NABCS database at <http://nabcs.dhss.ak.local/Home> that all appropriate background checks have been done and that the results of the checks do not prevent placement of children in the home. These results must be summarized in the foster parent or caregivers ORCA record and the hard copy provider file;
 - c. Print a copy of the FBI/State fingerprint result letter(s) and place in the confidential section of the provider file;
 - d. Place the Notice of a Barring Condition in Part V, confidential section of the provider file, if applicable;
 - e. Place Approval Letter in the confidential section of the provider file; and
 - f. Notify the BCP when new criminal activity is known.

O. Child Placement Agencies:

1. Wait for clearance on CPS and prior licensing checks. If the OCS check found concerns, the CPA will address those with the applicant to determine if the applicant wants to proceed with the licensing process or variance if needed.
2. The placement agency will maintain and regularly update a staff roster.
3. The placement agency must keep records of background checks on staff and volunteers required to have the background checks.
4. The Licensing Specialist will review those records when:
 - a. A provisional license is issued;
 - b. A biennial license is issued or renewed; or
 - c. During other investigations as appropriate.

P. The Licensing Supervisor will:

1. Designate a staff member to:
 - a. Enter the fingerprint results indicated in the BCP database including any barring crimes or conditions and the outcome of the variance application in ORCA; and

- b. Notify the Protective Services Specialist/Department of Juvenile Justice workers of the background check results, barring crimes, and any variance results.

2. Designate a Licensing Specialist to update the BCP database when:

- a. A household member leaves the home;
- b. A license is revoked or closes; and
- c. Any change to the final clearance.

Q. Involvement in a Barrier Crime or Condition:

1. If an individual does not pass a criminal history check as a result of a barrier crime or condition, that individual is barred from any contact with a child in placement and any association with the provider in a manner described in 7 AAC 10.900(b) until the department approves a barrier crime variance request. See Section 610, Barrier Crimes and Variances.
2. On the day OCS receives notice from the BCP of an individual's involvement in a barrier crime or condition, the Licensing Specialist will discuss the information with the licensee, protecting confidential information described in subsection (U) of this policy.
3. If the licensee does not volunteer to take action, OCS may require the home or placement agency to immediately remove that individual from contact with children in accordance with the procedures at Chapter 500, Investigations. The department may take the most appropriate enforcement action.

R. Additional Requirements for Individuals who have lived in Another State/Country in the Past Five Years:

1. In addition to the checks listed above, if the prospective foster parents or any other household member age 16 or older has lived in another state or country within the past five years, workers will request information from the child protection registry from each state of residence or the consulate/embassy from the country during the five-year period. A list of state contacts is available online at http://www.cdss.ca.gov/Portals/9/CCLD/CBCB/AW_Contact_List.pdf?ver=2018-02-08-130500-497. Information on Foreign Consular Offices in the United States is available online at <http://www.state.gov/s/cpr/rls/>.
2. The Licensing Specialist will ask each individual to complete an Authorization for Release of Information from Child Protection Registry (06-9799), or the form required by the other state for each state where they have lived in the past five years.
 - a. If an individual refuses, the Licensing Specialist will inform the foster parents that the individual must move out of the home.
 - b. If the individual refuses to move out, OCS or the placement agency must remove the child(ren) placed in the home, and the department may take the most appropriate enforcement action.
3. Upon receipt of the signed form, the Licensing Specialist will complete either:

- a. A Child Abuse and Neglect Information Request (06-9799) form;
 - b. A written request on OCS letterhead and submit it, with the Authorization form attached; or
 - c. The form required by the other state.
4. If payment to another state is required, the Licensing Specialist will complete a Request for Funds (RFF) through ORCA for payment.
 5. If there are concerns from the other state, the Licensing Specialist will consult with their supervisor to determine whether or not to issue a license.
 6. If the other state denies the request because they do not maintain a registry or does not respond within two requests, no further attempts to obtain child abuse or neglect information from the other state are required. Document the denial or the request attempts in the background check tab in ORCA.

S. Revocation of Valid History Check:

1. The Background Check Program will get a flag hit that identifies a new civil or criminal issue. If applicable, the BCP will provide written notification of revocation of the valid criminal history check previously issued to the individual. The BCP will send a Notice of Revocation of the valid history check to:
 - a. The provider;
 - b. The individual for whom the criminal history check was conducted; and
 - c. OCS.
2. The revocation notice to the individual and OCS will include the reasons for the department's decision and will advise the individual of the right to request reconsideration.
3. When found that an individual has a barring condition, the licensee has an opportunity to request a variance for the individual to continue to work or reside at the foster home or work at the child placement agency. See Section 610, Barrier Crimes and Variances.

T. Responding to Child Abuse and Neglect Information Requests from Other States: All requests from other states requesting a child protection registry check will be immediately forwarded to the OCS APSIN Unit Supervisor. The request will be reviewed to ensure the request is an official state request.

U. Confidentiality: OCS must not release state or federal criminal justice information. In accordance with 13 AAC 68.320(f), information may not be released to another person unless:

1. Information is released to another person authorized by state or federal law to receive the information;
2. The release is authorized in writing by the subject of the report; and
3. When there is a request to release state or federal criminal justice information contact the Community Care Licensing Specialist III.

606 JUVENILE JUSTICE RECORD CHECK

AUTHORITY:

AS 47.32	Centralized Licensing and Related Administrative Procedures
AS 47.05	Criminal History; Registry
7 AAC 50.030	Application for License
7 AAC 50.210	Qualifications and Responsibilities of Persons Having Regular Contact with Children in a Foster home or agency
7 AAC 56.210	Qualifications and Responsibilities of Individuals Having Regular Contact with Children and Clients in an Agency

PURPOSE: To assure the safety of children placed in out-of-home care from juveniles who have committed barrier crime offenses.

POLICY:

- A. The Office of Children's Services (OCS) will review the juvenile records check of all youths age 12 and older who work, volunteer, or reside at a foster home, foster group home, or who work or volunteer at a child placement agency. In addition, child protection records (both in ORCA and Prober), and the sex offender registry will also be checked for household members 12 or older. This requirement excludes youths in care at a foster home, foster group home, or youths who are recipients of service placed from a residential care facility.
- B. The OCS may use information gathered from a juvenile record check to prohibit youth with involvement in barrier crimes from contact with children in care.

PROCEDURE: Juvenile Offender Management Information System (JOMIS) Review:

- A. The Licensing Specialist will review the Division of Juvenile Justice (JOMIS) client information system for:
 - 1. Intake referral and decision information;
 - 2. Current supervision information; and
 - 3. Information regarding dismissals, adjustments, petitions, and adjudications related to barrier crimes.
- B. The Licensing Specialist may also contact the Division of Juvenile Justice for additional information about crimes appearing in JOMIS.
- C. If the Licensing Specialist discovers a youth who is age 16 or older has involvement in a barrier crime (see Section 610 of the Community Care Licensing Manual), the Licensing Specialist will consult with their supervisor. The OCS may:
 - 1. Allow the youth to continue to reside or work in the foster home or child placement agency under a variance described in Section 610-G, [Approval of a Background Variance](#); or

2. Require the provider to remove the youth to prevent the youth from further contact with children in care. If the provider refuses, OCS may remove all children in custody from care, and the Licensing Specialist may take the most appropriate enforcement action.

610 BARRIER CRIMES AND VARIANCES

AUTHORITY:

AS 47.32	Centralized Licensing and Related Administrative Procedures AS
47.05	Criminal History; Registry
7 AAC 10.900-990	Barrier Crimes, Criminal History Checks, and Civil History Databases
7 AAC 50.030	Application for License
7 AAC 50.210	Qualifications and Responsibilities of Persons Having Regular Contact with Children in a Foster home
42 U.S.C. 671(a)	State Plan for Foster Care and Adoption Assistance

PURPOSE: To ensure the health, safety and welfare of the children placed in out-of-home care is adequately protected.

POLICY:

- A. The Office of Children's Services may deny, revoke or refuse to renew a provisional or biennial license, or deny an application for licensure from an individual seeking approval, or eligibility to receive payments from the department if a review of the criminal record reveals that an individual age 16 or older has been charged with, convicted of, found not guilty by reason of insanity for, or adjudicated as a delinquent for, a barrier crime listed at 7 AAC 10.905 or a crime with similar elements in another jurisdiction.
- B. The Commissioner of the Department may grant a variance for a barrier crime or condition for individuals pursuing adoption or guardianship, or to allow an individual to continue to work or reside at the foster home, foster group home, or work at a child placement agency if the individual or provider demonstrates to the satisfaction of the department that the health, safety, and welfare of the children is adequately protected.

PROCEDURE:

A. Barrier Crimes and Time Limits:

- 1. Barrier Crimes, see [Appendix B](#);
- 2. Permanent barrier crimes, see 7 AAC 10.905;
- 3. 10-year barrier crimes, see 7 AAC 10.905(c);
- 4. 10-year barrier conditions 7 AAC 10.905(f);
- 5. 5-year barrier crimes, see 7 AAC 10.905(d);
- 6. 3-year barrier crimes, see 7 AAC 10.905(e); and
- 7. Crimes prohibited under Title IV-E, see Section 605(A)(2), Federal Requirements.

B. Involvement in a Barrier Crime:

- 1. If an individual does not pass a criminal history check as a result of a barrier crime, that individual is prohibited from associating with the foster home or child placement agency and is barred from any contact with a child in placement until the department approves a barrier crime variance request. See [Subsection D, Barrier Crime Variance Request](#), and [Subsection E, Barrier Crime Variance Reviews](#).

2. The Licensing Specialist may recommend that the foster home or agency submits an application for a barrier crime variance request for the individual to continue to work or reside at the foster home or work at the child placement agency.
- C. Exception for Continued Operation: The Office of Children's Services may allow a licensed provider to continue operating on a case-by-case basis while awaiting a variance decision. The foster home or child placement agency must take immediate action to ensure the welfare of the children residing in the foster home, including notice to OCS and removing the individual with the conviction from contact with the children.
- D. Barrier Crime Variance Request: A provider may submit a barrier crime variance request using the department's Variance Request Application form. The request must be submitted no later than 90 days after the provider receives notice of the individual whose application for a background check is found to have a barring condition.
- E. Barrier Crime Variance Reviews:
1. The Commissioner of the Department of Health & Social Services appoints a Barrier Crime Variance Review Committee, which includes a representative from each oversight division and the Commissioner's office.
 2. All variance requests related to criminal background checks for child placement agencies, foster care applicants, unlicensed relative caregivers, household members age 16 and older, and adoptive/guardianship families are first reviewed by the regional variance committee. The committee will consist of at least three individuals and include the licensing supervisor or regional designee. When applicable, the regional variance committee will also include the regional permanency specialist, permanency supervisor and the Licensing Specialist. The request is then sent to the State Office Licensing Coordinator before it is sent to the Department's Barrier Crime Variance Committee for review.
 3. The Licensing Specialist will:
 - a. Allow the provider the opportunity to request a barrier crime variance;
 - b. Will assist the provider in completing the Variance Request Application if the provider chooses to pursue the barrier crime variance;
 - c. Receive the Variance Request Application. If the application is incomplete the Licensing Specialist will send the Incomplete Variance Application Letter, and
 - d. Make a recommendation to the Regional Variance Committee for either approval, approval with conditions, or denial.
 4. The Regional Variance Committee will:
 - a. Review the barrier crime variance request for completeness. If incomplete, send it back to the worker for missing documents,
 - b. Make a recommendation for either approval, approval with conditions, or denial on the department's Oversight Agency Recommendation form for adoption and foster care; and
 - c. Forward the barrier crime variance request to the Social Services Program Coordinator for licensing, or adoptions, as appropriate in the OCS State Office.

5. The OCS State Office Program Coordinator for licensing will:
 - a. Review the barrier crime variance request for completeness; and
 - b. Forward the barrier crime variance request to the Department's Barrier Crime Variance Review Committee.

6. The Department Barrier Crime Variance Review Committee will:
 - a. Review all available information and documentation pertaining to the barrier crime, including all mitigating factors (i.e., completed treatment, conditions of probation/parole are met, shown they are responsible citizens, or whether there are additional charges since the conviction);
 - b. Recommend that the Commissioner grant the request for a variance if the review committee determines that the health, safety, and welfare of recipients of services will be adequately protected;
 - c. Recommend that the Commissioner deny the request for a variance if the barrier crime review committee determines that the health, safety, and welfare of recipients of services will not be adequately protected; and
 - d. For a permanent barrier crime, submit its recommendation of the variance to the OCS Director.

5. The OCS Director will:
 - a. Consider the barrier crime review committee's recommendation; and
 - b. Make a written recommendation that the Commissioner either grant or deny the request.

6. The Department of Health and Social Services Commissioner will:
 - a. Consider the recommendation and will issue a decision on a request for a barrier crime variance within 30 days after receiving all information; and
 - b. Send a copy of the decision to grant or deny the request for a barrier crime variance to the requesting provider, and to the Barrier Crime Variance Committee Chairperson.

7. The Barrier Crime Variance Committee Chairperson will distribute a copy of the decision to the:
 - a. Provider;
 - b. Background Check Program;
 - c. OCS worker who made the recommendation to the Barrier Crime Variance Committee; and
 - d. State Office Program Coordinator for licensing.

- F. Barrier Crime Variance Results: The Licensing Specialist will document the barrier crime variance results in ORCA and place the hard copy in the provider file. A barrier crime variance approval will list conditions, if any, and an expiration date.
- G. Approval of a Barrier Crime Variance:
1. A barrier crime variance that is approved is effective for the full term of the license. For a crime prohibited under federal Title IV-E, the provider cannot be fully licensed, and a condition will be listed on the license as "other licensing requirement not met" including the appropriate regulation.
 2. Placing a condition on the license does not apply to a crime under a state barrier. See Section 605(A)(2), Federal Requirements, Fingerprint-Based Criminal Background Checks.

611 ALASKA PUBLIC SAFETY INFORMATION NETWORK (APSIN) INQUIRIES

AUTHORITY:

AS 12.62.160	Release and Use of Criminal Justice Information
AS 47.05.310	Criminal History; Criminal History Check; Compliance
AS 47.14.100	Powers and Duties of Department over Child
AS 47.17.033(a)	Investigations
AS 47.17.035	Duties of Department in Domestic Violence Cases
7 AAC 50.210	Qualifications and Responsibilities of Persons Having Regular Contact with Children
13 AAC 68	Central Repository of Criminal Justice Information

PURPOSE: To facilitate the assessment of safety of children and to reduce risk to caseworkers.

BACKGROUND INFORMATION:

- A. State law allows the Office of Children's Services (OCS) access to the Alaska Public Safety Information Network (APSIN) database for the purpose of obtaining criminal justice information:
 - 1. On the parents, or the person with allegations of abuse and neglect, when conducting investigations of protective services reports of abuse or neglect;
 - 2. On a relative who requests placement of the child in the home and any household member age 16 or older; and
 - 3. On an applicant for a provisional foster care license under emergency conditions and members of the applicant's household, as required by licensing statutes and regulations.
- B. Confidentiality of Criminal Justice Information:
 - 1. Under state and federal laws and regulations, criminal justice information, including APSIN records, is confidential and may **not** be released to any other individual or agency, including parents, unlicensed relatives, foster parent applicants, the individual who is subject to the criminal justice information, or anybody else outside the OCS.
 - 2. The confidentiality requirement applies to information that is written or provided orally.

POLICY:

- A. Investigation
 - 1. Before the investigation of a protective services report an Alaska Public Safety Information Network (APSIN) records computer check will be done on the child's parent(s), including step-parents, alleged perpetrators of child abuse and neglect; and
 - 2. The check will include the inquiry of protective orders issued by the court under AS 18.66.100–18.66.180 – Protective Orders (issued for the protection of victims of domestic violence).

- B. Before placement of a child, an APSIN records computer check and a Sex offender Registry check will be done on:
1. Household members age 16 or older who are being considered for a provisional foster home license issued under emergency conditions and who have agreed in writing to submit to fingerprinting. See Chapter 200, [Section 217, Provisional License under Emergency Conditions](#).
 2. Unlicensed relatives and all other household members age 16 or older in the relative's home when:
 - a. A relative requests placement of a child with whom the OCS is currently involved; or
 - b. When the child is in the custody of another state or the parent and an Interstate Compact on the Placement of Children (ICPC request for a home study of the relative has been submitted in accordance with the ICPC procedures).
 3. The relative or household member of the relative must agree to the check and to fingerprinting in writing by signing the APSIN Request (06-9712) form. If it is not possible to get a signature, a verbal agreement must be obtained, documented on the APSIN Request form, and the form must be signed by at least one staff member. When possible, a verbal authorization over the phone should be witnessed by an additional staff member and the form signed by the second witness.

PROCEDURE:

- A. Obtaining Criminal Justice Information:
1. A centralized APSIN Unit located in the Anchorage OCS office provides APSIN computer records check services to all OCS offices. The unit provides checks Monday-Friday 8:00 a.m. to 5:00 p.m.
 2. Requests after Hours:
 - a. For after hours only, either the child protective services worker or Licensing Specialist can make a request for an APSIN check through the Alaska State Troopers (Dispatch # (907) 451-5100; fax # (907) 451-5165) with instructions for the APSIN operators to respond to requests that comply with the following:
 - 1) There is no APSIN operator available within DHSS to make the query; and
 - 2) To delay the query until an APSIN operator is available could jeopardize a staff member's safety.
 - b. The Licensing Specialist must fax the APSIN request form or if a fax is unavailable, provide all the information verbally listed on the APSIN form, including full statute citation authorizing the query and release of information, and must inform the operator that the employee will retain the faxed request in the case file to validate the query for audit purposes. Please Note: It is not mandatory for the Trooper's dispatch to respond to requests for APSIN checks from OCS, and an immediate response is not guaranteed.

- c. On the following business day, the Licensing Specialist will also make the APSIN request in ORCA.

B. Submitting an APSIN Check Request to the APSIN Unit:

1. Requests for APSIN checks are submitted to the APSIN Unit only for placement in emergency situations. There are no exceptions.
2. Requests are submitted through ORCA, on the background check tab on the Person Management page. See ORCA How Do I Guides.
3. For unlicensed relative placements, if the relative has not signed the APSIN Request form but a verbal agreement has been obtained in accordance with policy, the requesting worker will indicate on the signature line "verbal permission was obtained" and sign the form. When a request is e-mailed, the requesting worker's signature is not required, but the required documentation must be on file.
4. When APSIN requests cannot be submitted because ORCA is unavailable, the worker will fax the completed APSIN Request form to the APSIN Unit.
5. It is the Licensing Specialist's responsibility to contact the APSIN unit if a request has not been responded to within 24 hours. When necessary, the worker will notify the APSIN unit to confirm that they received the request.

C. APSIN Unit's Response to Requests:

1. If the APSIN Unit receives an APSIN request that is missing mandatory information and/or required signatures, Unit staff will either call the requesting worker and request the missing information, or return the request with a notation that the Unit is unable to process the request due to incomplete information, and inform the requesting worker about what information is needed for the Unit to process the request.
2. APSIN's request for Priority 1 protective services reports and emergency licensing or placement will receive top priority for processing. All other requests will be processed in the order in which they are received.
3. The APSIN Unit will, for each individual for whom an APSIN check has been requested, check APSIN and the Alaska Sexual Offender Registry, and research for any protective order history.
4. The APSIN unit will send the results and notify the worker that the results are available for review. The worker will review the APSIN results and summarize the history in ORCA. A worker who needs the APSIN results while out in the field may request that the APSIN Unit call the worker back with the results. To protect confidentiality, APSIN Unit staff will not reveal client names over the phone and will provide the information only directly to the requesting worker.

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620 CRIMINAL JUSTICE INFORMATION APPEAL

AUTHORITY:

13 AAC 68.200 Correcting Criminal Justice Information
AS 12.62.170 Correction of Criminal Justice Information

PURPOSE: To ensure that individuals with barrier crimes in their criminal history have the opportunity to appeal their personal criminal justice information.

POLICY:

- A. An individual who believes a factual mistake was made in the determination of the criminal justice information provided by the Department of Health and Social Services (DHSS) Background Check Program (BCP):
 - 1. The individual must request in writing providing the following information to the Background Check Program no later than 90 days after receipt of the notice per provisions of 7 AAC 10.950:
 - a. Appropriate documentation or other information to detail and provide evidence why the individual feels the determination was made in error; and
 - b. Mailing address and phone number of the individual making the request.
- B. An individual who believes criminal justice information (found in the APSIN check) provided by the Department of Public Safety (DPS), incorrectly reflects their criminal history may request a correction, modification, or addition from DPS:
 - 1. To request a correction, modification, or addition the individual may contact DPS online at <https://www.dps.alaska.gov/dpspublicsite/media/statewide/documents/crirecordcorrectionform.pdf> and complete correction form.
- C. The provider may ask OCS for a background variance to allow the individual to remain at the foster home or child placement agency pending the outcome of their appeal.

PROCEDURE:

- A. **Criminal Justice Results:** The Licensing Specialist will notify the provider that a barrier crime exists in the individual's criminal history that prohibits the individual from having contact with a child placed in out-of-home care without having an approved background variance.
 - 1. If the individual with the criminal history believes the information is inaccurate or incomplete in APSIN, or the information will be used to deny a right or privilege, the individual may complete and submit a Request to Correct Criminal Justice Information form. The Licensing Specialist will assist the individual in locating and completing necessary DPS documents.

2. If the individual believes the BCP made a factual mistake in making a criminal history determination, the individual may request a redetermination by submitting a written request, including any documents or other information to detail and provide evidence why the individual believes the determination was made in error. The request must be submitted to the BCP no later than 90 days after receipt of the notice. The Licensing Specialist will assist the individual in locating and completing necessary BCP documents.

B. Response to Request to Correct Criminal Justice Information:

1. If criminal justice information is corrected, OCS will withdraw any removal instruction issued if it was based solely on the information that has been removed from the records. Absent other factors for continuing the removal instruction, the individual may resume working, or residing at the foster home, or working at the child placement agency.
2. If criminal justice information shows the individual's involvement in crimes subject to a background variance, the variance will be handled as described in [Section 610, Barrier Crimes](#).

625 OTHER BACKGROUND ISSUES**AUTHORITY:**

7 AAC 32.040	Application for License
7 AAC 50.030	Application for License
7 AAC 50.210	Qualifications and Responsibilities of Persons Having Regular Contact with Children in a Facility
7 AAC 56.210	Qualifications and Responsibilities of Individuals Having Regular Contact with Children and Clients in an Agency

PURPOSE: To assure the safety of children placed in out-of-home care are safe from individuals with serious medical or behavioral issues.

POLICY: The Office of Children's Services (OCS) may require that an individual having regular contact with children provide an evaluation from a probation officer, health professional, or mental health professional affirming that the individual is free from problems that might pose a significant risk to the health, safety, or well-being of a child in care. In addition to a review under 7 AAC 10.915, the OCS will review its child protection records and previous licensing records with respect to foster parents and any individual 16 years of age or older.

PROCEDURE:

- A. The provider must send the Licensing Specialist a Clearance Form ([06-9437](#)) signed by the individual. The clearance form allows the Licensing Specialist to conduct the background checks. If the form indicates the individual experienced issues in the past, or if other information available to the Licensing Specialist indicates the likelihood of past issues, the Licensing Specialist will determine its exact nature.
- B. The Licensing Specialist may request a signed Release of Information for Medical Health Information ([06-9772](#)), or a signed Release of Information for Mental Health Information ([06-9773](#)) to allow the Licensing Specialist to communicate with the individual's health care or treatment provider(s). The Licensing Specialist may then ask the individual's provider for information to assist in assessing whether the problem poses a risk to children in care.
- C. If the Licensing Specialist assessment of the individual determines if there is a safety risk to children in care, the Licensing Specialist will ask the provider to remove the individual prohibiting them from further contact with children in care. If the provider refuses, OCS may remove all children in DHSS custody from care, and the Licensing Specialist may take the most appropriate enforcement action.

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630 CHILD PROTECTION AND LICENSING HISTORY CHECK

AUTHORITY:

AS 47.32.040	Application for License
7 AAC 50.030	Application for License
7 AAC 50.210	Qualifications and Responsibilities of Persons have Regular Contact with Children
7 AAC 56.210	Qualifications and Responsibilities of Individuals having Regular Contact with Children and Clients in an Agency

PURPOSE: To assure the safety of children placed for adoption or in out-of-home care.

POLICY:

- A. The Office of Children's Services (OCS) will review child protective service records and licensing records of individuals age 16 and older who work, volunteer, or reside at foster care homes and for child placement agencies (CPAs).
- B. For prospective foster parents or any other household member age 16 or older that has lived in another state in the past five years, OCS must request information from that state's child abuse and neglect registry.
- C. For an out-of-state request on child abuse and neglect information from Alaska's registry, OCS will send the request to the APSIN Unit for research and response.
- D. If an individual has a substantiated finding of abuse or neglect of a child, the OCS will assess whether the individual poses a safety risk to the children in care.

PROCEDURE:

- A. A foster parent or CPA must submit a signed (06-9437) Clearance form to the OCS Licensing Specialist. The clearance form allows the Licensing Specialist to conduct a background check. The Licensing Specialist will review the child protection client information system and child protection case records for incidents of child abuse and neglect pertaining to the individual. The Licensing Specialist will also review past licensing files and ORCA for evidence of the individual's involvement in negative licensing actions.
- B. For individuals who have resided in another state in the past five years, the Licensing Specialist will request child abuse and neglect information from each state of residence during the five-year period. The request will be submitted on form 06-9798, Child Abuse and Neglect Information Request, and form 06-9799, Authorization for Release of Information from Child Abuse and Neglect Registry.
- C. Performing the Child Protective Services (CPS) Check:
 - 1. To determine whether an individual is identified as a perpetrator of abuse or neglect in Alaska, the Licensing Specialist will:

- a. Review child abuse and neglect data from ORCA and Prober, and note if it identifies the individual as the perpetrator of an incident of child abuse or neglect in a substantiated allegation.
 - b. If the individual is identified as a perpetrator, verify the completeness of the data including the individual's name, the identification of the individual as the perpetrator, whether the allegation was substantiated, and whether the individual was notified of the findings of the child protection investigation. The Licensing Specialist will:
 - 1) Review the CPS case file corresponding to the substantiated allegation. The file must support the individual's involvement in abuse or neglect of a child; and
 - 2) Review the CPS case file and verify that the individual was given due process through the CPS findings.
2. If the Licensing Specialist is not able to determine from the records whether an allegation of abuse or neglect was substantiated, the Licensing Specialist will ask for clarification from a Protective Services (PS) Specialist or PS Specialist IV. In addition to the information from the child protection checks, the Licensing Specialist must confirm the identification and have adequate documentation to determine whether the applicant is a perpetrator of abuse or neglect.
 3. For individuals who have resided in another state in the past five years, the Licensing Specialist will review the information received from the other state. If the other state denies the request because they do not maintain a registry, the information is documented in ORCA, and the licensing file and no further attempts to obtain child abuse or neglect information from the other state is required.
 4. If the Licensing Specialist finds that the individual is the subject of a substantiated finding of abuse or neglect that did not result in a child in need of aid (CINA) proceeding, the Licensing Specialist will consult with the supervisor to determine whether mitigating factors would contribute to issuing a license or allowing the individual to continue to work or reside in the foster home. Consideration will be taken regarding:
 - a. The severity of the maltreatment;
 - b. The length of time since the occurrence;
 - c. Any subsequent unsubstantiated reports of abuse or neglect;
 - d. Any unconfirmed, or invalid reports; and
 - e. Any evaluations or reports of treatment obtained or requested of the individual as applicable.

D. Performing the Licensing Records Check:

1. The Licensing Specialist will:
 - a. Review licensing data in ORCA, Prober, and the licensing file, and note the individual's involvement in a negative licensing action.

- b. Review the licensing file for the individual's involvement in abuse or neglect of children in care.
2. If no negative action is found, the Licensing Specialist will proceed with licensure.
3. If the Licensing Specialist finds a history of negative licensing action regarding the applicant, the Licensing Specialist will:
 - a. Review the nature of the action;
 - b. The reasons for the action;
 - c. Any mitigating factors that may be present; and
 - d. Verify that the individual was given due process through the licensing findings.
4. The Licensing Specialist will:
 - a. Review the history with the licensing supervisor, being attentive to the implications of pertinent enforcement actions to determine whether the applicant may obtain professional evaluations or other determinations that may allow issuance of a license under present conditions.
 - b. After consulting with the supervisor, the Licensing Specialist will require the foster home to remove the individual from further contact with children in care following the procedures provided in Section 610. If the foster home refuses to remove the individual, OCS may remove all children in custody from care and/or proceed with action to remove the individual as described **in Chapter 500, Section 560, Instruction to Remove Employee from Contact with Children Pending Investigation**, or with enforcement action described in [Chapter 200, Section 235, Enforcement](#).

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CHAPTER 700 LICENSING FILES

705 GENERAL INFORMATION

AUTHORITY:

AS 47.32.030 Powers of the Department; Delegation to Municipality

PURPOSE: To ensure that all required licensing activities are implemented under state statutes and regulations.

POLICY:

A foster home or child placement agency record/licensing file is a permanent record and will contain documentation for a particular foster home or child placement agency, showing all required licensing activities have been completed. The foster home or agency record will provide a chronology of the foster home or agency foster home or agency's pre-application, application, license, issuance, and subsequent regulatory activities.

The worker will document in ORCA, electronic mail transmissions that may take the place of a telephone call and serve as an activity note. If unable to document in ORCA, the worker will print and place a copy in the file. Items entered into the file must be clear and complete enough so that any person who views the hard copy file and ORCA will be able to easily reconstruct what action occurred, why it occurred, who took the action, and when it was taken.

This record is kept and maintained by the licensing worker assigned to the foster home or the child placement agency.

Documents in the record will include:

1. All significant contacts.
2. All foster home or agency monitoring visits.
3. All visits and their purpose (i.e., office and foster home or agency site).
4. Contacts and actions regarding illegal operations.
5. Significant telephone conversations or electronic mail transmissions.
6. Closing of records.

PROCEDURES:

A. A Foster Home or Child Placement Agency Record is Opened When

1. An individual submits an application, or a written intent to apply stating a plan to operate, and shows a credible intent to implement the plan.
2. The Office of Children's Services (OCS) becomes aware that a foster home or agency subject to regulation is in use.

B. The Record is Closed When

1. An individual who inquires about applying for a license does not express or show continuing interest in licensing and does not submit an application; the information about the query is maintained in an alphabetical file and destroyed after one year if an application is not received.
2. A non-operating applicant withdraws the application and there is no indication of plans to re-apply.
3. A foster home or agency requests voluntary closure and ceases operation with no immediate plans to reopen.
4. The foster home or agency becomes exempt and chooses not to apply for voluntary licensure, if eligible.
5. The OCS denies, revokes, or refuses to renew a license.

C. Confirmation

In situations described in Subsection B (2) – (5), the worker will

1. Send a closure letter that provides notice of due process rights to the applicant or former licensee confirming the closure, and
2. Follow ORCA procedures.

D. Record Organization

The record has six parts:

1. Activity Notes
2. Correspondence
3. License
4. Non-Confidential Completed Investigations and Inspections
5. Confidential Reports and Information
6. Application and Documentation

710 ORGANIZATION OF THE FILE

AUTHORITY:

7 AAC 50.130	Records
7 AAC 54.	Privacy of Client Records
7 AAC 56.150	Records
AS 47.32.030	Powers of the Department; Delegation to Municipality

PURPOSE: To ensure compliance with legal, fiscal and administrative requirements for record maintenance.

POLICY:

The Office of Children's Services will maintain and organize licensing records using a uniform method statewide.

PROCEDURES:

A. Part I: Activity Notes

The licensing worker places in chronological order, all activity notes unless documentation exists in ORCA. If a record is requested for Discovery, all ORCA activity notes will be printed and placed in this section. Information pertaining to an open investigation is not to be documented in an ORCA activity note. Names of children in care must not be disclosed.

B. Part II: Correspondence and Emergency Response Information

Place correspondence with the most recent correspondence on top. Correspondence is considered any written communication between the licensing worker, the applicant/licensee, and others involved in the regulatory process. This includes:

1. Provider Emergency Response Information Form (Rev. 12/11) (06-9386). (*Place on top of this section.*)
2. Enclosure letters,
3. Correspondence, such as e-mails, or letters related to the provider, and

This does not include:

- Supervision emails,
- Supervisory Licensing Investigation Worksheet,
- Emails regarding a licensing investigation,
- Correspondence to or from the Assistant Attorney General, and
- Correspondence that includes names of children in care.

C. Part III: License

The third section of the six-part folder contains:

1. Foster Home Chrono Sheet (*place on top, followed by the current license and related variance, if applicable*),
2. A copy of the signed foster home or child placement agency license,
3. Approved/denied barrier crime variance notices,
4. Approved/denied general variances, and
5. Change summaries.

For CPA foster home files, file the License Action Recommendation, Approval of Issuance and Closures (06-9124) form completed for the license issued in this section with the corresponding license.

D. Part IV: Non-Confidential Licensing Documentation

The fourth section of the six-part folder contains:

a. Top Tab Divider: Training Documentation

Place all training documentation under this divider with the most recent on top.

Note: *Place the current Compliance Review (06-9178) on top of this divider page.*

b. Middle Tab Divider: Completed Investigations/Inspections

Once an investigation is final, the timelines for an appeal have passed, or the appeal process has been completed, place copies of the **completed** investigation and inspection documents under this divider.

- 1) Allegation of Compliance (06-9359),
- 2) Notices of Denial, for
 - i. Provisional (06-9350),
 - ii. Biennial (06-9351), and
 - iii. Biennial Renewal (06-9352).
- 3) Notice of Violation (06-9353),
- 4) Notices of Immediate Revocation or Suspension (06-9354),
- 5) Reports of Inspection (06-9358),
- 6) Reports of Investigation (06-9356),
- 7) Provider written responses to Investigation and Plan of Correction,
- 8) Plan of Correction, and
- 9) Warning Notice (06-9355).

c. Bottom Tab Divider: Licensing Documentation

Place all licensing forms and other documentation necessary showing the licensing and regulatory process is complete under this divider:

- 1) Annual Self-Monitoring Reports (06-9057),
- 2) Evacuation plan,
- 3) Plan of Care, and
- 4) Family Characteristics Checklist (06-9163).

E. Part V: Confidential Application and Documentation

a. Top Tab Divider: Application for Foster Care License

Place all applications below this divider page with the most current application on top.

b. Middle Tab Divider: Background Information

Place all background information for each household member age 16 or older below this divider page. Background information may include, but is not limited to:

- 1) Clearance Forms (06-9437), *(tab each Clearance Form and file the related documentation for each individual below each Clearance Form),*
- 2) State and Federal fingerprint results,
- 3) Background Information (06-9389),
- 4) Barrier Crime Variance Application packet,
- 5) General Variance Application packet,
- 6) BCP on-line application confirmation page,
- 7) Certification of Medical Condition Regarding Fingerprints (06-9438),
- 8) CFAI,
- 9) Copy of Driver's License, or government-issued photo ID,
- 10) Denied barrier crime variance notices,
- 11) Financial Summary (06-9730),
- 12) Health History (06-9731),
- 13) Medical or Mental Health Information (if applicable),
- 14) Medical Information Release (if applicable), and
- 15) Employees in Foster Homes (if applicable).

c. Bottom Tab Divider: References

Place all references received below this divider page.

F. Part VI: Confidential Reports and Information

a. Top Tab Divider: Open Investigations/Inspections

Place all documentation relevant to an open investigation under this divider. Once an investigation is complete, move the documents given to the provider to Section IV, Non-Confidential when the appeal time has lapsed or is final.

- 1) Notices of Denial, for
 - i. Provisional (06-9350),
 - ii. Biennial (06-9351), and
 - iii. Biennial Renewal (06-9352).
- 2) Pending Reports of Inspection (06-9358),
- 3) Pending Reports of Investigation (06-9356),
- 4) Request for Hearing (06-9357),
- 5) Warning Notice (06-9355), and
- 6) Allegation of Compliance (06-9359).

b. Bottom Tab Divider: Confidential Forms/Reports/Notes

Place all confidential documents in chronological order below this divider. Any document or information containing social security numbers is confidential and does not become public record when the appeal timeframe is final or has expired. This includes, but is not limited to:

- 1) Assessments or evaluations, if requested,
- 2) Attorney correspondence,
- 3) Foster Care Standard-By-Standard Evaluations and Narratives (06-9371 / 06-9373),
- 4) Investigation notes,
- 5) ORCA activity notes or correspondence about children in care,
- 6) Reassessment of Foster Family (06-9387),
- 7) Requests for sanitation and fire inspections (when applicable),
- 8) Request for Hearing (06-9357), and
- 9) Review Information Foster Parent (06-9390).

715 RECORD MAINTENANCE

AUTHORITY:

7 AAC 50.130	Records
7 AAC 54	Privacy of Client Records
7 AAC 56.150	Records
AS 47.32.030	Powers of the Department; Delegation to Municipality

PURPOSE: To ensure compliance with legal, fiscal and administrative requirements for record maintenance.

POLICY:

The Office of Children's Services will maintain licensing file records protecting the confidentiality of client records.

PROCEDURE:

A. Record Maintenance

Licensing records must be accounted for as they contain critical documents. The worker assigned to the foster home or child placement agency will:

1. Prepare and maintain the licensing file record,
2. Ensure access to confidential information is protected,
3. Prepare the file when a request is made to view, and
4. Copy the needed portions of the file document when the file is to be temporarily removed from the office.

A supervisor must always approve the removal of a record. Licensing records may be removed from the OCS office in the following situations:

1. To transport a record to an AAG for purposes of preparation for enforcement action or litigation,
2. To transfer the record to another office,
3. To send the record to another location for purposes of an audit, or
4. Other circumstances approved by a supervisor.

Records being transferred or sent for purposes of an audit will be sent by a courier delivery service where available unless instructed by state office to do otherwise. If no courier delivery service is available, the record will be sent by certified mail with return receipt requested.

B. Creating Record Volumes

Accurate case file records must be maintained to ensure all required documentation is available for future reference in accordance with state and federal regulations. At the same time, files must be maintained at a manageable size. When needed, create a new volume.

1. New Volume

The items retained in the new volume include documents that support the current license and may include others as appropriate:

- a. Provider Emergency Response Information Form,
- b. Signed License,
- c. Variances,
- d. Training hours,
- e. Plan for Care,
- f. Family Characteristics Checklist,
- g. Annual Self-Monitoring Reports,
- h. References,
- i. Clearance Forms,
- j. Fingerprint results,
- k. Application form,
- l. Foster Care Report of Inspection/Standard-by-Standard, and
- m. Plan of Correction.

2. Marking the File Records

Mark the original file record as "Volume I" and the new file record as "Volume II", etc. Clearly indicate on both files, the date the original provider file was created. List the provider name, number and town/city on the file tab label.

C. Transfer of Records

The transferring office worker will complete all pending actions before transferring the licensing file. A licensing file record may **not** transfer when there is an open investigation.

1. Transfer to a Worker Within the Same Office or Region

When a licensing worker transfers a foster home or agency record to another worker, the worker will

- a. Ensure that the licensing record is current with all documents appropriately filed before it is transferred, and
- b. Give the record to their supervisor for review.

After review and approval of the licensing record, the supervisor will end the assignment and assign the provider to another worker.

2. Transfer to New Region

Prior to transferring a foster home or agency record to a new region, the supervisors from each office region will discuss the options of transferring the licensing record. The originating office supervisor will document the discussion in ORCA. If both supervisors agree on the transfer, the worker will:

- a. Ensure that the record is current with all documents appropriately filed before it is transferred,
- b. Complete an additional licensing action in ORCA to close the current license following the ORCA How Do I Guide, and
- c. Give the record to their supervisor for review.

After review and approval of the licensing record, the supervisor will

- d. Approve the closure,
- e. Notify the other supervisor, and
- f. Mail the licensing record to the other supervisor by certified mail with return receipt requested.

Upon receipt of the licensing record in the receiving office, the supervisor will change the designated region code and assign the provider to a worker.

- g. The new worker will complete an inspection of the new home following the licensing procedures in Chapter 200, Section 215-D, and create a new license in ORCA.

3. Transfer to State Office

When a licensed provider moves out-of-state, the worker will:

- a. Ensure that the record is current with all documents appropriately filed,
- b. Complete an additional licensing action in ORCA effective the day before the move to close the current license following the ORCA "How Do I Guide",
- c. Update the provider record with the new out-of-state address,
- d. Send a courtesy e-mail to the APSIN unit to request that the APSIN flag be removed on all applicable household members, and
- e. Give the record to their supervisor for review.

After review of the licensing record, the supervisor will:

- f. Approve the closure,
- g. Reassign the provider to Central Office,
- h. Notify the provider payments supervisor in State Office, and
- i. Retain the record according to the retention schedule for the foster home or child placement agency license. See [Section 725, File Record Retention](#).

Upon notification, the State Office worker will create an out-of-state license, and maintain the out-of-state license records if/when they become licensed through the new state.

4. Transfer to Child Placement Agency

When a licensed provider chooses to transfer to a child placement agency, the worker will:

- a. Ensure that the record is current with all documents,
- b. Remove the fingerprint results,
- c. Make a copy of the record,
- d. Give the copied record to their supervisor for review,
- e. Retain original record,
- f. Modify the license with the condition of CPA home,
- g. Send a copy of the license to the Alaska Center for Resource Families,
- h. Complete a cover letter with a reminder to the CPA of the need to submit an on-line application to the BCP so the case ID number for the fingerprint results is attached to both agencies, and
- i. Mail the cover letter with the copied record to the CPA by certified mail with return receipt requested.

5. Transfer From a Child Placement Agency

When a licensed provider chooses to transfer to OCS, the worker will:

- a. Obtain a written request from the CPA regarding the reason why the resource family is transferring to OCS. If it is a decision by the CPA to not continue contracting with the resource family, the CPA must site specific reasons (i.e., specific child left, difficulties with foster family, etc.).
- b. Contact the resource family to verify they in fact want their license transferred to OCS and explain the difference in pay rate for a non-CPA resource family,
- c. Identify other requirements not met to be fully licensed with the CPA prior to transfer,

- d. Obtain copied provider file record from the CPA,
- e. Complete a compliance review of the resource family's file prior to modifying the license,
- f. Send a copy of the license to the Alaska Center for Resource Families, and
- g. Submit an on-line application to the BCP for individuals that have been processed through the BCP so the case ID number for the fingerprint results is attached to both agencies.

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720 DISCLOSURE OF LICENSING RECORDS

AUTHORITY:

AS 47.10.093	Disclosure of Agency Records
AS 47.32.180	Confidentiality; Release of Certain Information
AS 47.32.190	Access to Information
2 AAC 96	Public Information
7 AAC 54.010 – 150	Privacy of Client Records: Child Protection Services
7 AAC 54.300 – 390	Confidentiality of Client Records: Juvenile Justice
7 AAC 54.900	General Provisions

PURPOSE: To ensure compliance with state statutes and regulations governing privacy and confidentiality.

POLICY:

The Office of Children's Services (OCS) will allow public access of a licensing record in accordance with state statutes and regulations.

PROCEDURE:

A. Protected Licensing Materials

Licensing materials that are confidential. The items listed below are protected from public access and require a court order before OCS will grant access:

1. Identity of a complainant,
2. Identity of individuals receiving services,
3. Material that is part of an uncompleted licensing action,
4. Records related to a
 - a. complaint,
 - b. investigation, or
 - c. inspection.
5. Other materials protected by state and federal statutes or regulations that are restricted from disclosure,
6. Client records protected under 7 AAC 54.010 – 150,
7. The identity of individuals filing a child neglect or abuse report as protected under AS 47.17 and 7 AAC 54.020(4),

8. Materials protected by a privilege or principal recognized by the courts,
9. Materials that are part of an uncompleted licensing or complaint investigation, and
10. Any other records if their disclosure would:
 - a. Deprive an applicant or licensee of a fair and impartial hearing;
 - b. Interfere with law enforcement proceedings;
 - c. Constitute an unwarranted invasion of personal privacy (i.e., psychological evaluations, physicians' statements, reference letters, or parents' evaluations). For foster care, the background information filled out by the applicants, the licensing worker narrative, and the caseworker or probation officer assessment would not be available to the public, but would be available to the applicant.

B. Request for Records

A written request to inspect licensing records must be in made by the requestor. For any request made by a law office, the worker must first consult with the AAG at the Department of Law.

For any licensing file request that is granted, OCS has 10 working days to provide the record. A Request to Review Licensing Record Log ([06-9385](#)) will be maintained in the corresponding office documenting each request.

The procedure for disclosure, denial reconsideration, and appeal regarding agency records will be followed in accordance to 2 AAC 96.200 – 350.

Before allowing the applicant or licensee access to the licensing file, the worker will:

1. Review the licensing file with the supervisor and remove all protected confidential information, and
2. Obtain positive identification of the provider.

A worker will be present during the entire time the provider has access to the licensing file. At no time will the provider be left alone with the licensing file and the licensing file must not leave the OCS office with the provider.

The OCS may provide copies of portions of the licensing file at the provider's request. No charge will be made for a small number of copies, but costs may be charged for extensive copying.

725 FILE RECORD RETENTION

AUTHORITY:

7 AAC 50.130	Records
7 AAC 54	Privacy of Client Records
7 AAC 56.150	Records
AS 47.32.030	Powers of the Department; Delegation to Municipality

PURPOSE: To ensure compliance with legal, fiscal and administrative requirements for records retention.

POLICY:

The Office of Children's Services will retain all licensing file records and volumes according to the foster home or child placement agency records retention schedule approved by the Alaska Department of Education and Early Development, Division of Libraries, Archives and Museums, Archives and Records Management Services.

PROCEDURE:

A. Current Files

If a file folder becomes too large for easy maintenance, a new file folder may be started with a new biennial license. Any file folder being replaced with a new folder will be labeled consecutively on the outside cover of the folder with "VOL. I, II, or III, etc." Subsequent files should be labeled showing the length of the volume "i.e., VOL. I of II," with the dates of the information contained in the folder. All volumes

1. Are part of the licensing file;
2. Will be readily available for review with the current folder; and
3. Will be retained according to the retention schedule for the foster home or child placement agency license.

B. Voluntary and Non-Voluntary Closures

1. Voluntary With No Negative Action:

When a foster home or child placement agency voluntarily relinquishes a license and no negative licensing action is involved, all file folders pertaining to the license will be retained in the region for five years from the date of closure.

2. License Expired or Closed With Consent:

Foster homes or child placement agencies that relinquish a license in the face of negative action or that contain complaints or other information that may have indicated the presence of a risk to children in care, confirmed or not, will be retained in the region for five years.

3. License Revoked, Denied, or Condition without Licensee Consent:

Records of foster homes or child placement agencies that are closed due to negative licensing action such as revocation, denial, or suspension of a license, or have been prohibited from operating or referred for injunction, will be retained for twenty five years from the date of the last action.

C. Application Records

Foster home and child placement agency records on applications that have been withdrawn without negative licensing action (denial) are retained in the region for one year from the date the record is closed.

D. Indefinite Retention

Licensing Supervisors may choose to retain files at the discretion of the Community Care Licensing Manager

