ARTICLE 2. CHILD WELFARE SERVICES

Rule 1. Licensing of Boarding Homes for Children (Repealed)

(Repealed by Department of Child Services; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA)

Rule 1.5. Licensing of Foster Family Homes for Children

465 IAC 2-1.5-1 "Child placing agency" defined

Authority: IC 31-27-2-4
Affected: IC 31-9-2-17.5; IC 31-27-4

Sec. 1. As used in this rule, "child placing agency" or "CPA" has the definition set forth in IC 31-9-2-17.5. *(Department of Child Services; 465 IAC 2-1.5-1; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-2 "Department" defined

Authority: IC 31-27-2-4
Affected: IC 31-25-1-1; IC 31-27-4

Sec. 2. As used in this rule, "department" means the Indiana department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-1.5-2; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-3 Qualifications of the foster family; general

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 3. (a) Foster parents shall be persons at least twenty-one (21) years of age to whom a license to operate, maintain, or conduct a foster family home for children is granted by the department. Foster parents must have a stable living arrangement and may be a married couple, an unmarried cohabitating couple who have lived together for at least one (1) year, or a single person. For married spouses and unmarried cohabitating couples, both individuals must be approved as foster parents. If an applicant is married but separated at the time of initial application, the applicant must have lived apart from his or her spouse continuously for a minimum of a one (1) year period with no intent to reconcile, the applicant must be maintaining a separate household, and the separation must be verified by at least three (3) references.

(b) Foster parents shall be as follows:

(1) Persons whose behaviors, circumstances, and physical and mental health contribute to the safety and well-being of children.

(2) Selected on the basis of demonstrating strengths in skill areas as set out by the department that will permit them to undertake and perform the responsibilities of meeting the needs of children, providing continuity of care, and working with the department or sponsoring child placing agency.

(c) Foster parents shall demonstrate skills in the following competencies:

(1) Protecting, guiding, and nurturing.

(2) Meeting physical, mental, emotional, and developmental needs and addressing any delays.

(3) Supporting relationships between children and their families.

(4) Developing partnerships with birth families, the department and its representatives, and others in the community in order to carry out case plans and establish permanency.

(5) Helping children placed in the foster family home:

(A) develop skills to manage loss and skills to form attachments; and

(B) build on positive self-concept and positive family, cultural, and racial identity.

(6) Connecting children to lifetime relationships.

(7) Working as a member of a professional team.

(8) Other skills as set forth by the department.

(d) Foster parents' ability to meet these competencies shall be reevaluated at each relicensure and at any other time at the discretion of the department or child placing agency.

(e) Foster parents shall cooperate with:

(1) the department and with the child placing agency in the overall plan for care of the child; and

(2) all inquiries from the department or the child placing agency involving the care of the child or the foster parents' license.

(f) Each foster family home shall keep a record of the following:

(1) The names of children placed in the home.

(2) The time of admission.

(3) The time of release.

(4) Any other specific information required by the department or the child placing agency.

These records shall be made readily available upon request to the department or child placing agency.

(g) The foster parents shall report to the department or child placing agency any change within the foster family home impacting the health, welfare, or general well-being of the child, including, but not limited to, the following:

(1) The physical location or mailing address of the foster family home or the telephone number of the foster parents, or both.

(2) The physical condition of the foster family home or in the use of bedrooms in the foster family home as it relates to the child, or both.

(3) Employment of the foster parents.

(4) The physical or mental, or both, health of the foster parents or any household member.

(5) The marital status of the foster parents.

(6) Arrests, convictions, or child protective services assessments and the resulting findings concerning the foster parents or any household member.

(7) The ability of foster parents to care for the child.

(8) The household composition of the foster family.

(9) Temporary relocation of the foster family in the event of a disaster.

(h) A foster home license under IC 31-27-4 shall not be issued concurrently with a license or certificate for other child or adult, or both, care, except with the consent of the department.

(i) The foster family shall fully disclose all businesses conducted on the premises of the foster family home. Commercial activities that adversely affect the welfare of children are prohibited. *(Department of Child Services; 465 IAC 2-1.5-3; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-4 Qualifications of the foster family; confidentiality

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 4. Foster parents shall keep confidential all personal information received, or contained in the records the department requires foster parents to keep, concerning a child and his or her family members. Confidential information about a child or the child's family members may be disclosed only as permitted by law and with the consent of the department. *(Department of Child Services; 465 IAC 2-1.5-4; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-5 Qualifications of the foster family; finances

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 5. (a) Foster parents shall demonstrate that the household has sufficient income and appropriate fiscal management to maintain its stability and security without a foster care payment.

(b) Foster care payments received on behalf of the child are intended for the sole benefit and care of the child while in foster care. *(Department of Child Services; 465 IAC 2-1.5-5; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted*

filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)

465 IAC 2-1.5-6 Qualifications of the foster family; health

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 6. (a) The physical and mental health of all members of the foster family or other individuals living in the foster family home, excluding foster children, shall be such that it will not be detrimental to the health and welfare of the foster children.

(b) The individuals described in subsection (a) must present a medical history form at initial licensure and relicensure. The form must be completed by a physician or certified health practitioner.

(c) Once licensed, foster parents shall notify the department or their child placing agency whenever the physical or mental health of a member of the household changes significantly. If a person in the foster family home should contract a communicable disease, suitable health precautions should be taken for protection of the child as determined by the department and child placing agency, or the child may not be permitted to remain in the foster family home. Suitable health precautions must be based on recommendations from appropriate medical professionals.

(d) The department or child placing agency may require additional documentation or a physical, mental, or psychological examination of any member of the foster family household, if the person exhibits characteristics or behaviors that indicate or could indicate that he or she is unable to provide for the standard of care of the child as specified in this rule. *(Department of Child Services; 465 IAC 2-1.5-6; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-7 Qualifications of the foster family; character and suitability

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 7. (a) Foster parents shall be responsible individuals of reputable character who:

(1) exercise sound judgment; and

(2) display the capacity and motivation to provide good care for children.

Foster parents' household members and those who work or volunteer in the foster family home and have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the foster parents shall be responsible individuals of reputable character.

(b) At the time of initial application, the applicant or applicants for a license shall provide the department or child placing agency with the names, addresses, and telephone numbers of at least four (4) persons, two (2) of whom must be unrelated to the applicant by blood, marriage, or adoption. These persons may be contacted to determine the applicant's character, community reputation, financial stability, and suitability to care for children or to have contact with children. Additional persons may be contacted to attest to the applicant's character and suitability to care for children or to have contact with children. The department or child placing agency may, at its discretion, require references for each household member over eighteen (18) years of age. *(Department of Child Services; 465 IAC 2-1.5-7; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-8 Physical facilities of the foster family home; general

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 8. (a) The foster family home shall be located, constructed, arranged, and maintained to provide adequately for the health, safety, and moral welfare of all occupants.

(b) The foster family home shall have:

(1) adequate study space; and

(2) access to indoor or outdoor recreation space.

(c) The foster family home shall have working utilities at all times except for temporary interruptions as may be necessary for repairs, natural disaster, or decrees of governmental bodies not the fault of the foster parents.

(d) When natural light is insufficient, it shall be supplemented by artificial light so that adequate light will be available at all times.

(e) The foster family home shall have heating, air-cooling, or ventilating capability to provide for a comfortable temperature.

(f) The foster family home shall have access to a working telephone.

(g) Foster parents shall not allow children placed in the foster family home to be exposed to secondhand smoke in the foster parents' home or vehicle.

(h) When a foster family resides in a mobile home, the following conditions must be met:

(1) There shall be two (2) exits, located at least twenty (20) feet apart. One (1) exit must be within thirty-five (35) feet of each bedroom door.

(2) The mobile home shall be skirted and securely anchored.

(Department of Child Services; 465 IAC 2-1.5-8; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)

465 IAC 2-1.5-9 Physical facilities of the foster family home; bedrooms and bathrooms

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 9. (a) Bedrooms shall have adequate ventilation for the health, safety, and welfare of the child.

(b) Bedrooms shall be clearly identified as bedrooms. Living, dining, and other areas not commonly used for sleeping shall not be used for a bedroom. A bedroom located in a basement cannot be utilized for a child unless a waiver is granted by the department. The waiver must be specific to a particular child and cannot be a blanket waiver. Factors to consider in granting a waiver include, but are not limited to, the following:

(1) Whether the bedroom is in an area of the basement that is finished.

(2) Whether the bedroom has two (2) easily accessible forms of egress to the outside.

(3) The age (in terms of years and development) of the child that will be utilizing the bedroom.

(c) Children six (6) years of age and older, who share a room, shall be of the same sex. Children over twelve (12) months of age shall not share a bedroom with adults, except in the case of illness or developmental disabilities requiring close supervision and only with the approval of the department. In no event shall a child ever sleep in the same bed as an adult.

(d) Each child shall be provided an individual bed and mattress that is:

(1) off the floor; and

(2) of a size to accommodate the child.

A crib that meets current safety standards consistent with federal safety regulations shall be used for a child under two (2) years of age.

(e) Appropriate bed linens shall be provided for the comfort of the child, taking into consideration the age of the child. Water resistant bed pads shall be provided for enuretic children. Bed linens should be changed as often as required for cleanliness and sanitation.

(f) No convertible sofa or other bedding of a temporary nature shall be used except for temporary care and only upon approval of the department.

(g) The foster family home shall have sufficient bedroom space to allow at least fifty (50) usable square feet for each child.

(h) There shall be either closet or wardrobe in addition to drawer space provided for each child's possessions.

(i) Sanitary bathroom facilities that provide privacy shall be available. Water provided for bathing shall be kept at a comfortable temperature. *(Department of Child Services; 465 IAC 2-1.5-9; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-10 Physical facilities of the foster family home; safety; general

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 10. (a) Pets:

(1) Current documentation shall be maintained by the foster parents that household pets have had vaccinations required by law.

(2) Household pets known to be vicious or infected with any disease transmittable to humans may not be kept by the foster parents.

(3) Children shall, according to their ages and level of functioning, be protected from animals that are potentially dangerous to their health.

(b) Swimming pools, hot tubs, and bodies of water:

(1) The foster parents or other responsible person shall be physically present at the swimming pool or hot tub to supervise children at all times.

(2) All inground or aboveground swimming pools, hot tubs, or bodies of water accessible to children shall be:

(A) in compliance with all state and local laws and zoning ordinances;

(B) maintained in a clean and safe condition; and

(C) secured in an appropriate manner to prevent children from entering the area unsupervised.

(c) Firearms and other weapons:

(1) Foster parents shall be in compliance with state and local laws with regard to firearms.

(2) Firearms, including BB guns and air guns, shall be unloaded and locked up in the foster family home to prevent unauthorized use. Ammunition and projectiles, such as arrows, or other items which can be used to make a weapon operable, shall be locked separately from the weapon.

(3) Foster children shall not be given access to firearms or other weapons unless approved by the department for educational or recreational purposes.

(Department of Child Services; 465 IAC 2-1.5-10; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)

465 IAC 2-1.5-11 Physical facilities of the foster family home; safety; fire and safety hazards

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 11. (a) The foster family home shall be kept free from all unnecessary fire and safety hazards.

(b) The foster family home shall have one (1) smoke detector that is within ten (10) feet of each bedroom door, with at least one (1) smoke detector in operating condition on each level of the home and at least one (1) two and one-half (2 1/2) pounds or greater ABC type fire extinguisher in operating condition on each floor of the home.

(c) A carbon monoxide detector shall be required in the foster family home unless only electricity is used for cooking and heating the home.

(d) Heating devices, such as:

(1) radiators;

(2) space heaters;

(3) wood stoves;

(4) fireplaces; and

(5) hot water pipes;

within the reach of children shall be screened or otherwise protected as deemed necessary for children being cared for in the foster family home. Portable space heaters and candles shall not be left unattended and shall not be used in rooms where children are sleeping. Heating appliances using combustible fuel shall be vented to the outside.

(e) An evacuation plan shall be developed, and all persons in the foster family home shall be knowledgeable of the plan. Each child in placement shall receive age-appropriate instructions on how to evacuate the foster family home safely in the event of fire or other emergency.

(f) All:

(1) hallways;

(2) doorways;

(3) entrances;
(4) ramps;
(5) steps; and
(6) corridors;
shall be kept clear and unobstructed at all times.

(g) Flammable and poisonous substances, medications, sharp instruments, and cleaning materials shall be stored safely out of the reach of children or placed in locked storage, as appropriate for the child's age and development. Combustible materials shall be stored at least five (5) feet from furnaces and water heaters.

(h) Fire drills shall be conducted:
(1) monthly;
(2) at varying times of the day; and
(3) during varying weather conditions.

(i) The foster family home shall conform to all rules and regulations of local government, including, but not limited to, those governing fire and safety, and the rules and regulations of the fire prevention and building safety commission as to fire and safety protection. *(Department of Child Services; 465 IAC 2-1.5-11; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-12 Physical facilities of the foster family home; safety; cleanliness and sanitation

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 12. (a) The foster family home shall:
(1) conform to the sanitary laws and ordinances of the state and the city or town in which it is located;
(2) be clean overall; and
(3) be maintained as to prevent or eliminate, or both, rodent, insect, or lice infestation.
This includes the presence of screens on windows and doors if used for ventilation.

(b) The water supply and the sewage disposal shall conform to the standards set by the state department of health under its rules and regulations and all laws pertaining thereto. The foster home shall be connected to a public or private water supply. A private water supply shall be tested annually for safety, and the cost of testing will be covered by the foster family.

(c) Outside garbage and trash shall be stored in containers with lids. Garbage and trash shall be removed at intervals to avoid creating a nuisance or menace to health. *(Department of Child Services; 465 IAC 2-1.5-12; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-13 Care of children; general

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 13. (a) The foster family shall include the child in the normal routine of the foster family unless the department determines that specific aspects of the routine are inappropriate. No child shall be subjected to cruelty, neglect, or exploitation.

(b) Foster parents must provide supervision and care that meets the needs of each child's:
(1) age;
(2) level of development;
(3) independence; and
(4) responsibility.

(c) In the foster parents' absence, reliable supervision shall be arranged by the foster parents for any child living in the foster family home.

(d) Foster parents shall report to the department and child placing agency any issue concerning a child placed with the foster parents that impacts his or her:
(1) health;

(2) case or permanency plan progression;
(3) welfare; or
(4) general well-being.
(e) Foster parents shall teach independent living skills in a manner appropriate to the child's age and development. *(Department of Child Services; 465 IAC 2-1.5-13; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-14 Care of children; education or training
Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 14. (a) Foster parents shall:
(1) cooperate with the department and CPA to implement the education or training plan for the child; and
(2) work with the school, department, and CPA to advocate for the child in educational planning and follow through, including, but not limited to, the planning for and follow-through with any applicable individualized educational program (IEP), as defined at 511 IAC 7-32-48.
(b) Children will be encouraged to participate in extracurricular school and educational activities where appropriate. *(Department of Child Services; 465 IAC 2-1.5-14; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-15 Care of children; cultural and religious heritage
Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 15. (a) Foster parents must:
(1) respect the culture of the children placed in their care;
(2) make every attempt to support the child's culture; and
(3) provide opportunities, if applicable, for the child to participate in activities related to their cultural heritage.
(b) Foster parents shall not prohibit the child's participation in the child's religious faith nor prohibit related religious activities. The foster parents shall make reasonable efforts to accommodate the child's participation in religious activities that are consistent with the child's religious faith.
(c) Foster parents shall not have a child baptized or admitted into any religious organization without the child's consent and the written approval of the department and the child's parent. *(Department of Child Services; 465 IAC 2-1.5-15; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-16 Care of children; discipline
Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 16. (a) The foster parents shall be responsible for discipline. Discipline shall:
(1) not be delegated to:
(A) the child's peers; or
(B) persons who are strangers to the child;
(2) be appropriate to the developmental age of the child, related to the child's act;
(3) not be out of proportion to the particular inappropriate behavior; and
(4) be handled without prolonged delay.
(b) Foster parents shall not use any of the following types of discipline:
(1) Corporal punishment, including physical hitting or any type of physical punishment inflicted in any manner upon the child's body.

(2) Physical exercise.
(3) Requiring or using force to make the child take an uncomfortable position.
(4) Verbal remarks that ridicule the child or his or her family.
(5) Denial of an emotional response that is appropriate to the situation.
(6) Denial of essential services, for example, the following:
(A) Health care.
(B) Food.
(C) Clothing.
(D) Bedding.
(E) Sleep.
(F) Mail.
(G) Family visitation.
(7) Threats of removal or denial of reunification.
(8) Shaking.
(9) Placement in a locked room.

(Department of Child Services; 465 IAC 2-1.5-16; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)

465 IAC 2-1.5-17 Physical restraint

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 17. (a) Foster parents shall not use mechanical or chemical restraints on the child.
(b) Foster parents may not use physical restraint on a child unless:
(1) it is specifically authorized by the department in advance in writing;
(2) the foster parent has been appropriately trained and certified by a department approved body in the prevention and use of physical restraint;
(3) it is an emergency situation and the child is a clear and present danger to himself or herself or others; and
(4) less restrictive interventions have been determined to be ineffective.
(c) A person uninvolved in the restraint and trained in emergency interventions shall continuously maintain direct observation of the child during the restraint.
(d) In approving a foster parent to use physical restraint on a child, the department must document the following:
(1) The type of physical restraint approved.
(2) The criteria and time limitations for use.
(3) The persons authorized to use the restraint on the child.
(4) The date and type of training received.
(e) The foster parent must immediately report to the department each use of physical restraint. The foster parent also must maintain a record of each incident of physical restraint and make available such records to the department. The record must include the following information:
(1) The date and time of the incident.
(2) The name of the child.
(3) The form of restraint used.
(4) The length of time in restraint.
(5) The name and title of the person applying the restraint.
(6) The name of the uninvolved person responsible for observing the child while in restraints.
(7) A description of the child's behavior prior to, during, and after use of restraints.

(Department of Child Services; 465 IAC 2-1.5-17; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)

465 IAC 2-1.5-18 Care of children; clothing and personal items

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 18. (a) Foster parents shall do the following:

(1) Provide each child with his or her own clean, well-fitted, seasonal clothing appropriate to age, sex, individual, and educational needs and maintain and update the child's clothing accordingly.

(2) Include the child in the selection of the child's own clothing whenever possible.

(3) Allow the child to bring to the home and acquire appropriate personal belongings.

(b) All items brought into the foster home or acquired for the child's use during the placement belong to the child. Foster parents shall send all such clothing and personal items with the child when he or she leaves the foster home.

(c) The child shall be:

(1) provided individual personal hygiene items; and

(2) taught personal hygiene.

(Department of Child Services; 465 IAC 2-1.5-18; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)

465 IAC 2-1.5-19 Care of children; health

Authority: IC 31-27-2-4
Affected: IC 31-27-4; IC 31-28-3

Sec. 19. (a) The foster parents shall do the following:

(1) Cooperate with the department and CPA in providing proper:

(A) physical;
(B) mental;
(C) dental;
(D) visual;
(E) auditory; and
(F) developmental;

care for the child.

(2) Assist the department in using Medicaid eligible providers for Medicaid eligible services on Medicaid eligible children.

(3) Keep the department informed of any health needs of the child.

(b) Except as provided in subsection (c), the foster parents shall schedule an appointment for a time within ten (10) days of admission to the foster family home to have the child examined by a physician and follow all recommendations, with follow-up exams as recommended by the schedule set forth by the American Academy of Pediatrics. The initial exam must consist of early and periodic screening, diagnosis, and treatment (EPSDT) services, known in Indiana as HealthWatch. The exam will include screens for physical, dental, visual, auditory, and developmental health.

(c) An initial exam is not mandatory, if the child:

(1) was placed directly from a hospital or physician's office; or

(2) had a documented medical examination within thirty (30) days prior to placement, as part of a child abuse or neglect assessment and is exhibiting no signs of illness or new injuries.

Foster parents shall confer with the department prior to the initial examination to determine if the child has already been examined.

(d) The foster parents shall have the child examined by a dentist within six (6) months of the child's last known exam and cleaning. If no records exist, the child will receive an initial exam and cleaning within ninety (90) days of placement. Follow-up exams and cleanings are required every six (6) months. Foster parents shall confer with the department prior to the initial examination by a dentist to determine if the child has already been examined.

(e) The foster parents shall keep a log of all prescription medications administered to a child.

(f) No prescription medication shall be administered to a child without orders from a licensed medical professional. Medication for the child shall be dispensed in accordance with the physician's instructions subject to the limitations in subsection

(g).

(g) Foster parents administering psychotropic medication must have received:

(1) any consents required by the department prior to giving the medication; and

(2) instructions regarding the administering of the medication and its possible side effects, in writing, from either the prescribing physician or the pharmacist.

(h) Prescription medication must be kept in the original container labeled with the:

(1) child's name;

(2) date;

(3) instructions; and

(4) physician's name.

(i) In an emergency, the foster parents shall:

(1) make arrangements for emergency care at a nearby hospital, clinic, or doctor's office; and

(2) as soon as possible thereafter, notify the department.

(j) The foster parents shall maintain a medical passport, in accordance with IC 31-28-3, on each child placed in the foster family home. The department will provide the medical passport to the foster parents. *(Department of Child Services; 465 IAC 2-1.5-19; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-20 Care of children; diet and nutrition

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 20. (a) The foster family shall provide food of sufficient quality and quantity to meet the nutritional, medical, and psychological requirements of the child. The child's diet shall be well-balanced. The foster parents shall:

(1) provide any special diets as recommended by the child's physician; and

(2) accommodate the child's cultural and religious needs.

(b) There shall be adequate and appropriate facilities for the:

(1) storage;

(2) protection;

(3) preparation; and

(4) serving;

of food.

(c) The room used for eating shall provide space to enable the child and foster family to eat together as a family group.

(d) The child shall not be forced to eat nor shall the withdrawal of food be used as punishment. *(Department of Child Services; 465 IAC 2-1.5-20; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-21 Care of children; extracurricular activities

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 21. Foster parents shall encourage participation in extracurricular activities that are appropriate to the age and abilities of the child. All organized activities shall be supervised by:

(1) the foster parents;

(2) another adult caregiver designated by the foster parents; or

(3) the designated group leader.

Foster parents shall encourage the child to take part in community services and activities both with the foster family and individually. *(Department of Child Services; 465 IAC 2-1.5-21; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-1.5-22 Foster parent training

Authority: IC 31-27-2-4
Affected: IC 31-27-4

Sec. 22. (a) Each foster parent applicant shall do the following:

(1) Successfully complete as a part of the family preparation process preservice training as specified by the department, but in no case less than ten (10) hours of training, prior to being initially licensed as a foster home.

(2) Submit evidence of the successful completion of a current course in first aid prior to initial licensure. The foster parent must maintain continuous certification during the licensing period and at relicensure. An updated Red Cross first aid manual or its equivalent shall be available in the foster home.

(3) Submit evidence of the successful completion of a current course in infant, child, and adult coronary pulmonary resuscitation (CPR) prior to initial licensure. The foster parent must maintain continuous certification during the licensing period and at relicensure. An updated Red Cross CPR manual or its equivalent shall be available in the foster home.

(4) Submit evidence of the successful completion of a current course in universal precautions prior to initial licensure. The foster parent must maintain continuous certification during the licensing period and at relicensure.

(b) Within one (1) year after the preservice training requirement in subsection (a)(1) has been met, and annually thereafter, each licensed foster parent shall be required to successfully complete the in-service training requirements as specified by the department, but in no case less than fifteen (15) hours annually, prior to being relicensed as a foster home. The foster parent shall keep documentation of training completed and have it available for review by licensing staff. *(Department of Child Services; 465 IAC 2-1.5-22; filed Apr 18, 2011, 11:31 a.m.: 20110518-IR-465100349FRA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

Rule 2. Licensing of Child Placing Agencies

465 IAC 2-2-1 Definition of child-placing agency or business of placing children

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 1. Child-Placing Agency or the Business of Placing Children, Definition. A child-placing agency is defined as any person, association or corporation who advertises himself or itself or holds himself or itself out as placing or finding homes for or otherwise disposing of children or who places or assists in placing in homes of persons other than relatives or causes or assists in causing the placement for adoption or disposal otherwise of children.

Sec. 5, Ch. 185, Acts 1945; Burns 22-2420 *(Department of Child Services; Title 3,Ch 2,Reg 3-201; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 339; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-1) to the Department of Child Services (465 IAC 2-2-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-1.1 "Department" and "state department of public welfare" defined

Authority: IC 31-27-2-4
Affected: IC 31-25-1-1; IC 31-27-6

Sec. 1.1. As used in this rule, "department" or "state department of public welfare" means the department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-2-1.1; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-2-1.2 "Enhanced supervision" defined

Authority: IC 31-27-2-4
Affected: IC 31-27-6

Sec. 1.2. As used in this rule, "enhanced supervision" means additional daily supervision that a foster parent will be required to provide for a child with extraordinary needs, based on categories of supervision established by the department. *(Department of Child Services; 465 IAC 2-2-1.2; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

465 IAC 2-2-2 Application for license for child-placing agency

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 2. Application for License for Child-Placing Agency. Application for a license to operate a child-placing agency shall be submitted to the State Department of Public Welfare on the forms provided for that purpose by the State Department of Public Welfare.
Sec. 6, Ch. 185, Acts 1945; Burns 22-2421
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Department of Child Services; Title 3,Ch 2,Reg 3-202; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-2) to the Department of Child Services (465 IAC 2-2-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-3 Governing board

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 3. Governing Board. Each child-placing agency shall be organized so that the responsibility for the agency's practices, procedures and administrative policies is vested in an advisory board or local governing body composed of not less than three responsible citizens.
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Department of Child Services; Title 3,Ch 2,Reg 3-203; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-3) to the Department of Child Services (465 IAC 2-2-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-4 Financing

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4. Financing. Each child-placing agency shall maintain at all times adequate financial resources to meet the minimum standards required by the rules and regulations of the State Department of Public Welfare, and shall furnish annually to the State Department of Public Welfare and at such other times as may be requested by the the State Department of Public Welfare satisfactory evidence of such financial ability.
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Department of Child Services; Title 3,Ch 2,Reg 3-204; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-4) to the Department of Child Services (465 IAC 2-2-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-5 Personnel; standards for number and type of employees

Authority: IC 31-27-2-4
Affected: IC 31-27-6

Sec. 5. (a) Each child-placing agency shall employ a competent, qualified, and reputable executive, and a sufficient number of competent and qualified employees to provide adequate supervision and service for the children under care of the agency. The casework supervisor employed by such agency shall have the following:

(1) a master's degree or higher from an accredited school in:

(A) social work;

(B) counseling; or

(C) a related human service area of study;

(2) supervised casework in the field; and

(3) at least one (1) year of child-placing experience in a recognized or licensed agency having responsibility for the placement of children in foster care.

(b) The following standard shall be used as a guide by each child-placing agency and by the department in determining the number of caseworkers needed by the child-placing agency:

(1) The number of children under the supervision of one (1) caseworker shall not exceed eighteen (18).

(2) For children requiring enhanced supervision, the caseworker to child ratio shall be determined and approved by the department, which ratio shall range between 1:8 and 1:12.

(c) Each child-placing agency shall employ as staff members only persons:

(1) duly qualified;

(2) of good character as evidenced by character references; and

(3) in satisfactory health.

(d) Each child-placing agency shall employ a sufficient number of office staff members to properly maintain office administrative procedures on a current basis.

(e) Each child-placing agency furnishing medical or dental care to children in the care of the agency shall use the services of only licensed physicians and dentists.

(f) Each child-placing agency shall adopt specific written policies regarding personnel practices affecting staff members of the agency.

(g) The supervisor to caseworker staff ratio shall range between one (1) supervisor for five (5) caseworkers and one (1) supervisor to eight (8) caseworkers depending on the level of enhanced supervision required for the children being served.

(h) An employee who is in a position on January 1, 2012, and who was qualified for that position under subsection (a) as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012. *(Department of Child Services; Title 3,Ch 2,Reg 3-205; filed Dec 31, 1948, 10:30 a.m.: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-5) to the Department of Child Services (465 IAC 2-2-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-6 Personnel qualifications

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. Personnel Qualifications. Each child-placing agency shall establish minimum qualifications for each classification of employee. The following standards shall be used as a guide by each child-placing agency in establishing minimum qualifications for the classifications of executive, case work supervisor, case worker and worker in training and by the State Department of Public Welfare in the licensing of each child-placing agency:

(a) Each child-placing agency employing less than four case workers should employ either an executive meeting the qualifications of Executive B as hereinafter set out, and case workers meeting the qualifications of Case Worker A as hereinafter set out, OR, an executive meeting the qualifications of Executive A as hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out.

(b) Each child-placing agency employing four or more case workers should employ either an executive meeting the qualifications of Executive B as hereinafter set out, a supervisor meeting the qualifications of Case Work Supervisor A as

hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out, OR, an executive meeting the qualifications of Executive A as hereinafter set out, a case work supervisor meeting the qualifications of Case Work Supervisor B as hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out.

(c) Each child-placing agency employing a case work supervisor may also employ a minimum number of workers in training who meet the qualifications as hereinafter set out.

(d) The qualifications for Executives A and B, Case Work Supervisors A and B, Case Workers A and B, and Workers in Training should be:

(1) Executive B. The qualifications of a person qualifying for the position of Executive B in a child-placing agency should be graduation from an accredited four year college plus five years of paid experience in some field of work related to social work of which at least two years should have been in social work or in a responsible supervisory or administrative capacity in the field related to social work.

(2) Executive A. The qualifications of a person qualifying for the position of Executive A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field; plus two years of paid experience in the field of social work, one year of which should have been in a responsible supervisory or administrative capacity; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of paid experience in the field of social work.

(3) Case Work Supervisor B. The qualifications of a person qualifying for the position of Case Work Supervisor B in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field, plus two years of supervised paid case work experience, at least one year of which should have been in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of supervised paid case work experience, but there should be no substitution for the required one year of supervised paid case work experience in an approved child-placing agency.

(4) Case Work Supervisor A. The qualifications of a person qualifying for the position of Case Work Supervisor A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field, plus three years of paid social work experience, two years of which should have been supervised case work experience in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one of the required two years of paid case work experience in an approved child-placing agency.

(5) Case Worker B. The qualifications of a person qualifying for the position of Case Worker B in a child-placing agency should be graduation from an accredited four year college, plus five years of supervised paid case work experience, at least two years of which should have been in an approved child-placing agency; except that one year of graduate training in a recognized school of social work, including supervised case work in the field, may be substituted for the required five years of supervised paid case work experience.

(6) Case Worker A. The qualifications of a person qualifying for the position of Case Worker A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work, including supervised case work in the field, plus two years of supervised paid case work experience, one year of which should have been in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of supervised paid case work experience, but there should be no substitution for the required one year of paid case work experience in an approved child-placing agency.

(7) Worker in Training. The qualifications of a person qualifying for the position of Worker in Training in a child-placing agency should be graduation from an accredited four year college.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Department of Child Services; Title 3,Ch 2,Reg 3-206; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 341; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.:*

20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-6) to the Department of Child Services (465 IAC 2-2-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-2-7 Office space and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. Office Space and Equipment. (a) Each child-placing agency shall maintain offices providing adequate space, heat, light, ventilation, and office equipment, and shall be easily accessible to the community.

(b) Each child-placing agency shall maintain office facilities for private interviews and supervisory conferences.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421
Sec. 11, Ch. 185, Acts 1945; Burns 22-2426
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Department of Child Services; Title 3,Ch 2,Reg 3-207; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 345; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-7) to the Department of Child Services (465 IAC 2-2-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-8 Records and reports

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 8. Records and Reports. (a) Each child-placing agency shall maintain records in a systematic manner, which shall include financial records, statistical records, an index of the exact location of each child in the care of the agency, and an index of all case and foster home records, and all case records and foster home records shall be kept in locked metal or fire-resistive files.

(b) Each child-placing agency shall also maintain a case record on each child or family of children in the care of the child-placing agency, which record shall include: a face sheet giving all identifying information; health record showing history of diseases, immunizations, physical examinations and treatment; consent for emergency operations and use of anaesthetics; identifying information on placements of the child. Each case record shall also include a narrative record giving the social information which was secured at intake; reasons for accepting the child for placement; reasons for making specific plans for a child; reasons for changes in plans or changes in placements; development and adjustment of the child in placement; work with the child's family; supervision of the child in placement in foster care; reasons for discharge of the child from the care of the agency. Each case record shall also include any reports of psychological examinations or psychiatric consultations or interviews, school records, or legal papers or written agreements with relatives or other agencies.

(c) Each child-placing agency shall maintain a record for each foster home used by the child-placing agency which shall include: application; report of the study of the foster family; record of the child or children placed in the home; regular evaluations of the use of the foster home.

Sec. 14, Ch. 185, Acts 1945; Burns 22-2429 *(Department of Child Services; Title 3,Ch 2,Reg 3-208; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 345; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-8) to the Department of Child Services (465 IAC 2-2-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-9 Intake and initial social study; written policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 9. Intake and Initial Social Study. (a) Each child-placing agency shall adopt written policies in regard to accepting

children for placement in foster care.

(b) Each child-placing agency shall secure and record sufficient social information to determine that placement of a child in foster care is for the best interests of the child, before making such placement.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427

Sec. 14, Ch. 185; Acts 1945; Burns 22-2429 *(Department of Child Services; Title 3,Ch 2,Reg 3-209; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-9) to the Department of Child Services (465 IAC 2-2-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-10 Placement and supervision; written policies; continuing responsibility while in foster care

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 10. Placement and Supervision. (a) Each child-placing agency shall use only those boarding homes and child-caring institutions which are licensed under the laws of the State of Indiana or the laws of the state in which such boarding home or child-caring institution is located.

(b) Each child-placing agency shall adopt written policies for the study and use of adoptive, work, wage, and free homes, if such homes are used.

(c) Each child-placing agency shall adopt written policies for the use of boarding homes and child-caring institutions, if such homes and institutions are used.

(d) Each child-placing agency, after giving due consideration to the emotional and physical needs and religious background of the child or parents of the child, shall select a foster home or child-caring institution wherein the foster care given to the child will be for the best interests of the child.

(e) Each child-placing agency shall replace a child in foster care only when such replacement will serve the best interests of the child.

(f) Each child-placing agency shall, after giving due regard to the best interests of the child, provide for regular supervisory visits to each child in foster care.

(g) Each child-placing agency shall, after placement of a child in foster care, plan for case work with the child's own family, the amount and kind of such work to be determined by the best interests of the child and his family.

(h) Each child-placing agency shall continue responsibility for a child who has been placed in foster care until: The child is returned to his own family and the family no longer desires or needs the services of the agency; legal adoption has been completed; the responsibility for his care has been transferred to another agency; the child reaches 21 years of age; or it is determined that the child can function on his own responsibility and that his best interests will be served by discontinuing responsibility.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Department of Child Services; Title 3,Ch 2,Reg 3-210; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-10) to the Department of Child Services (465 IAC 2-2-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-11 Health program; physical and dental examinations

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 11. Health Program. (a) Each child-placing agency shall establish and maintain a definite health program for the care of children accepted and placed in foster care, which shall include a definite plan for the care of sick children and children requiring surgical care; and such program shall be approved by the State Board of Health.

(b) Each child, upon acceptance by the child-placing agency for placement in foster care, shall be given a thorough physical

examination by a duly licensed physician, and every reasonable effort shall be made by the child-placing agency to provide or arrange for any treatment recommended by the examining physician.

(c) Each child in foster care shall be given a physical examination at least annually, or as often as the age or condition of the child requires, by a duly licensed physician, and every reasonable effort shall be made by the child-placing agency to provide or arrange for any treatment recommended by the examining physician.

(d) Each child, upon acceptance by the child-placing agency for placement in foster care, shall be given a dental examination, and shall also be given a dental examination annually thereafter, and any treatment recommended by the examining dentist shall be provided or arranged for by the child-placing agency. Whenever the condition of any child indicates need for dental examination or treatment, the child shall be examined by a duly licensed dentist, and any treatment required shall be provided or arranged for by the child-placing agency.

(e) Each child-placing agency shall maintain a record of the medical and dental history and treatment of each child.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Department of Child Services; Title 3,Ch 2,Reg 3-211; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-11) to the Department of Child Services (465 IAC 2-2-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-2-12 Exceptions and variances; written application

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 12. Exceptions and Variances. The State Department of Public Welfare, the State Board of Health, and the State Fire Marshal shall have authority to grant exceptions or variances of the provisions of these rules and regulations *[470 IAC 3-2]* upon application in writing to the State Department of Public Welfare by the operator or licensee of a child-placing agency or its duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of these rules and regulations *[470 IAC 3-2]* but when there is substantial or equivalent compliance with the spirit and intent of these rules and regulations *[470 IAC 3-2]*. Any exception or variance granted shall be entered upon the records of the State Department of Public Welfare as the licensing agency and upon the records of the respective state agency granting the exception or variance, and a signed copy shall be furnished the applicant.

Sec. 7, Ch. 185, Acts 1945; Burns 22-2422 *(Department of Child Services; Title 3,Ch 2,Reg 3-212; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-2-12) to the Department of Child Services (465 IAC 2-2-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 3. Interstate and Intercountry Child Placing Regulations (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2014.)

Rule 4. Interstate Compacts on Adoption and Medical Assistance

465 IAC 2-4-1 Interstate compact on adoption and medical assistance

Authority: IC 31-19-29-2; IC 31-19-29-3; IC 31-25-2-18
Affected: IC 31-19-29

Sec. 1. The department of child services shall enter into an interstate compact on adoption and medical assistance, hereinafter referred to as the compact, to provide procedures for adoption and medical assistance for interstate children. The compact shall comply with the provisions of this rule and IC 31-19-29-3. This rule shall apply to all interstate adoption assistance agreements. *(Department of Child Services; 465 IAC 2-4-1; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.:*

20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.3-1) to the Department of Child Services (465 IAC 2-4-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-4-2 Definitions

Authority: IC 31-19-29-2; IC 31-25-2-18
Affected: IC 31-19-26.5; IC 31-19-29; IC 31-25-1-1

Sec. 2. (a) As used in this rule, "adoption assistance" means the payment or payments for the maintenance of a child that are made or committed to be made pursuant to the adoption assistance program established by the laws of a party state.

(b) As used in this rule, "adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(c) As used in this rule, "child with special needs" has the meaning set forth in 465 IAC 4-1-22(b).

(d) As used in this rule, "department" means the department of child services established under IC 31-25-1-1.

(e) As used in this rule, "parents" means either the singular or plural of the word "parent".

(f) As used in this rule, "residence state" means the state in which the child is a resident by virtue of the residence of the adoptive parents.

(g) As used in this rule, "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States. *(Department of Child Services; 465 IAC 2-4-2; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.3-2) to the Department of Child Services (465 IAC 2-4-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-4-3 Adoption assistance

Authority: IC 12-13-5-3
Affected: IC 31-3-5

Sec. 3. (a) The department shall determine the amounts of adoption assistance and other aid which it will give to children with special needs and their adoptive parents in accordance with its own laws and programs.

(b) The adoption assistance, medical assistance, and other services and benefits to which this rule applies are those provided to children with special needs and their adoptive parents from the effective date of the adoption assistance agreement.

(c) Every case of adoption assistance shall include a written adoption assistance agreement between the adoptive parents and the appropriate agency of the state undertaking to provide the adoption assistance. Every such agreement shall contain provisions for the fixing of actual or potential interstate aspects of the assistance so provided as follows:

(1) An express commitment that the assistance so provided shall be payable without regard for the state of residence of the adoptive parents, both at the outset of the agreement period and at all times during its continuance.

(2) A provision setting forth with particularity the types of care and services toward which the adoption assistance state will make payments.

(3) A commitment to make medical assistance available to the child in accordance with section 4 of this rule.

(4) An express declaration that the agreement is for the benefit of the child, the adoptive parents, and the state and that it is enforceable by any or all of them.

(5) The date or dates upon which each payment or other benefit provided thereunder is to commence, but in no event prior to the effective date of the adoption assistance agreement.

(d) Any services or benefits provided for a child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. The personnel of the child welfare agencies of the party states will assist each other, as well as the beneficiaries of adoption assistance agreements, in assuring prompt and full access to all benefits expressly included in such agreements. It is further recognized and agreed that, in general, all children to whom adoption assistance agreements apply

will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

(e) Adoption assistance payments on behalf of a child in another state shall be made on the same basis and in the same amounts as they would be made if the child were living in the state making the payments, except that the laws of the adoption assistance state may provide for the payment of higher amounts. *(Department of Child Services; 465 IAC 2-4-3; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.3-3) to the Department of Child Services (465 IAC 2-4-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-4-4 Medical assistance

Authority: IC 12-13-5-3
Affected: IC 31-3-5

Sec. 4. (a) Children for whom a party state is committed, in accordance with the terms of an adoption assistance agreement, to provide federally aided medical assistance under Title XIX of the Social Security Act, are eligible for such medical assistance during the entire period for which the agreement is in effect. Upon application therefor, the adoptive parents of a child who is the subject of such an adoption assistance agreement shall receive a medical assistance identification document made out in the child's name. The identification shall be issued by the medical assistance program of the residence state and shall entitle the child to the same benefits, pursuant to the same procedures, as any other child who is covered by the medical assistance program in that state, whether or not the adoptive parents are themselves eligible for medical assistance.

(b) The identification document shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance. However, if the identification is issued pursuant to such an adoption assistance agreement, the records of the issuing state and the adoption assistance state shall show the fact, and shall contain a copy of the adoption assistance agreement and any amendment or replacement thereof, as well as all other pertinent information. The adoption assistance and medical assistance programs of the adoption assistance state shall be notified of the issuance of such identification.

(c) A state which has issued a medical assistance identification document pursuant to this rule, which identification is valid and currently in force, shall accept, process, and pay medical assistance claims thereon as it would with any other medical assistance claims by eligible residents.

(d) The federally aided medical assistance provided by a party state pursuant to this rule shall be in accordance with subsections (a) through (c). When a child who is covered by an adoption assistance agreement is living in another party state, payment or reimbursement for any medical services and benefits specified under the terms of the adoption assistance agreement, which are not available to the child under the Title XIX medical assistance program of the residence state, shall be made by the adoption assistance state as required by its law. Any payments so provided shall be of the same kind and at the same rates as provided for children who are living in the adoption assistance state. However, where the payment rate authorized for a covered service under the medical assistance program of the adoption assistance state exceeds the rate authorized by the residence state for that service, the adoption assistance state shall not be required to pay the additional amounts for the services or benefits covered by the residence state.

(e) A child referred to in subsection (a), whose residence is changed from one (1) party state to another party state, shall be eligible for federally aided medical assistance under the medical assistance program of the new state of residence.

(f) Medical assistance shall be provided consistent with federal law. Services and benefits shall not be reimbursed for any amount covered under any insurance or other third party medical contract or arrangement held by the child or adoptive parents. *(Department of Child Services; 465 IAC 2-4-4; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.3-4) to the Department of Child Services (465 IAC 2-4-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-4-5 Compact administration

Authority: IC 12-13-5-3
Affected: IC 31-3-5

Sec. 5. (a) The department, by its administrator, shall designate a compact administrator and such deputy compact administrators as it deems necessary. The compact administrator shall coordinate all activities under this compact within his or her state. The compact administrator shall also be the principal contact for officials and agencies within and without the state for the facilitation of interstate relations involving this compact and the protection of benefits and services provided pursuant thereto. ln this capacity, the compact administrator will be responsible for assisting child welfare agency personnel from other party states and adoptive families receiving adoption and medical assistance on an interstate basis.

(b) Acting jointly, the compact administrators shall develop uniform forms and administrative procedures for the interstate monitoring and delivery of adoption and medical assistance benefits and services pursuant to this rule. The forms and procedures so developed may deal with such matters as follows:

(1) Documentation of continuing adoption assistance eligibility.

(2) Interstate payments and reimbursements.

(3) Any and all other matters arising pursuant to this compact.

(c) Some or all of the parties to this compact may enter into supplementary agreements for the provision of, or payment for, additional medical benefits and services under section 4(d) of this rule; for interstate service delivery under section 3(d) of this rule; or for matters related thereto. Such agreements shall not be inconsistent with this rule, nor shall they relieve the party states of any obligation to provide adoption and medical assistance in accordance with applicable state and federal law and the terms of this rule. Administrative procedures or forms implementing the supplementary agreements referred to in this subsection may be developed by joint action of the compact administrators of those states which are party to such supplementary agreements.

(d) It shall be the responsibility of the compact administrator to ascertain whether and to what extent additional legislation may be necessary in his or her own state to carry out the provisions of this section, section 3 of this rule, or any supplementary agreements under this rule.

(e) The compact administrator shall establish a procedure to annually monitor interstate adoption assistance agreements to determine continuing eligibility. *(Department of Child Services; 465 IAC 2-4-5; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.3-5) to the Department of Child Services (465 IAC 2-4-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 5. Release of Information to Individuals Engaged in Research Projects on Child Abuse

465 IAC 2-5-1 Release of information to individuals engaged in research projects on child abuse; written request; good faith research project; qualifying individual

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 4-1-6-8.6

Sec. 1. Under the provisions of IC 31-5.5-3-18 *[Repealed by Acts 1979, P.L.276, SECTION 60.]* upon the receipt of a written request the county department of public welfare or a local child protection service shall disclose to any qualifying individual engaged in a good faith research project information of a general nature concerning child abuse or other statistical or social data used in connection with studies, reports, or surveys on child abuse or information related to the function and activities of that department or the child protection team in the field of child abuse if the information to be released does not identify or reasonably tend to identify alleged abusers or the parties alleged to have been abused.

Upon approval of the completed State Department of Public Welfare Form 116, "Application for Child Abuse Research," the Administrator of the State Department shall authorize the appropriate county department to disclose copies of materials from case records to a qualifying individual engaged in a good faith research project if in the opinion of the Administrator the copies to be released do not identify or reasonably tend to identify the parties involved in the case and the information is not the subject of pending litigation.

A "good faith research project" as used in this regulation shall consist of research conducted for and to be utilized for the purpose of furthering the aims of child abuse prevention or furthering the aim of providing better social, psychological or medical treatment to the victims and the perpetrators of child abuse.

A "qualifying individual" as used in this regulation shall include a bona fide professional, or a bona fide student at an accredited college or university who is practicing or majoring in certain academic areas which have an interest in child welfare. Examples include but are not limited to the fields of sociology, psychology, law, criminology, health education, medicine and child development.

IC 12-1-2-2 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*

IC 12-1-2-3 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*

IC 31-5.5-3-18 *[Repealed by Acts 1979, P.L.276, SECTION 60.] (Department of Child; Reg 3-512; filed Oct 10, 1979, 3:21 pm: 2 IR 1565; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-7-1) to the Department of Child (465 IAC 2-5-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 6. Adoption Assistance; Foster Care Assistance; Incorporations by Reference, Titles IV(B) and (E) of the Social Security Act

465 IAC 2-6-1 Public Law 96-272; acceptance

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 31-3-1

Sec. 1. Acceptance of P.L.96-272 Provisions. The State of Indiana hereby accepts the provisions of Federal Law 96-272, the "Adoption Assistance and Child Welfare Act of 1980" and all federal rules and regulations hereinafter promulgated thereunder.

IC 12-1-2-3 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*

IC 12-1-2-9 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Department of Child Services; 465 IAC 2-6-1; filed Jun 17, 1982, 4:13 pm: 5 IR 1603; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-9-1) to the Department of Child Services (465 IAC 2-6-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-6-2 Goal; maximum duration of foster care period before placement

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 31-3-1

Sec. 2. (a) Federal legislation requires each state to establish foster care goals for each fiscal year. These goals pertain to the number of children receiving Title IV(E)-Foster Care Assistance who will remain in foster care for more than two (2) years as compared to the total number of children receiving Title IV(E)-Foster Care. This relationship is a percentage.

(b) The percentage of children receiving Title IV(E)-Foster Care Assistance, pursuant to 42 U.S.C. 670, et seq., who will remain in foster care in excess of twenty-four (24) months commencing with the federal fiscal year beginning October 1, 1988, shall be twenty-two percent (22%). For each subsequent federal fiscal year until September 30, 1993, this percentage shall be further reduced annually by three-tenths of one percent (.3%). *(Department of Child Services; 465 IAC 2-6-2; filed Jul 27, 1982, 3:43 p.m.: 5 IR 1826; filed Aug 26, 1983, 2:30 p.m.: 6 IR 1904; filed Sep 15, 1986, 9:45 a.m.: 10 IR 222; filed Dec 15, 1989, 11:45 a.m.: 13 IR 878; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-9-2) to the Department of Child Services (465 IAC 2-6-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-6-3 Case plan and case review

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 31-3-1

Sec. 3. (a) A case plan, case review and statewide information (tracking) system, as defined and required by the Adoption Assistance and Child Welfare Act of 1980, 42 U.S.C. 670, et seq., shall be required for all children in a substitute care placement under the court-authorized supervision of the county welfare departments. Such case plans, case reviews and statewide information (tracking) system is also to be implemented for all county departments of public welfare wards remaining in their own homes.

(b) That the above-incorporation by reference of 42 U.S.C. 670, et seq. does not include any subsequent amendments or editions thereto.

IC 12-1-3(c) *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Department of Child Services; 465 IAC 2-6-3; filed Apr 11, 1983, 10:32 am: 6 IR 916; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-9-3) to the Department of Child Services (465 IAC 2-6-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 7. Foster Care and Adoption Assistance Program

465 IAC 2-7-1 Adoption assistance agreement; renewal; modifications; terminations (Repealed)

Sec. 1. *(Repealed by Department of Child Services; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA)*

465 IAC 2-7-2 Special needs child; criteria (Repealed)

Sec. 2. *(Repealed by Department of Child Services; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA)*

465 IAC 2-7-3 Adoption assistance payments (Repealed)

Sec. 3. *(Repealed by Department of Child Services; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA)*

465 IAC 2-7-4 Title IV-E; Medicaid: foster care

Authority: IC 31-25-2-18
Affected: IC 12-15-2-3; IC 12-15-2-7; IC 12-15-2-16

Sec. 4. Medicaid shall not be interrupted for a child who has Medicaid as a recipient of temporary assistance for needy families (TANF) at the time of placement and is later found eligible for Medicaid as a recipient of Title IV-E payments. The Medicaid effective date for the child who is a nonrecipient of TANF at the time of placement shall be the same as the effective date of the Title IV-E award. *(Department of Child Services; Title 3, Ch 7, Reg 3-708; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2226; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-5) to the Department of Child Services (465 IAC 2-7-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-7-5 Title IVE; foster care eligibility

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. (a) As used in this section, "appropriate local agency" means an Indiana county department of public welfare or its counterpart in another state which is responsible for foster home evaluations for licensure or for studies of homes of nonlegally

liable relatives for approval.

(b) As used in this section, "appropriate state agency" means the Indiana state department of public welfare or its counterpart in another state which administers the licensure procedure for residential foster care facilities or foster homes.

(c) As used in this section, "approved home" means the home of a nonlegally liable relative of a IVE-Foster Care child which is evaluated using foster home standards but which is not licensed.

(d) As used in this section, "relative" means a nonlegally liable relative, not a parent, of the relationship found in 42 U.S.C. 606(c).

(e) For purposes of administration of foster care assistance (Title IVE-FC), a child to be eligible for such assistance shall meet the definition of a dependent child under 42 U.S.C. 606(a) or in 42 U.S.C. 607.

(f) A home of other than a relative listed in 42 U.S.C. 606(c) in which a dependent child is living shall be construed to mean a foster family home or nonprofit private child caring institution, or public child caring institution with a capacity for twenty-five (25) or less children licensed by the appropriate state agency as meeting the standards as established for such homes and institutions under IC 12-3-2 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]* or the comparable law or regulation of those states into which an Indiana child is placed.

(g) Title IVE-FC funds may be used to purchase foster care provided to eligible children in an approved home of a nonlegally liable relative. For such approval, the home must be studied as a foster home by the appropriate local agency or by a private child placing agency licensed by the state.

(h) To receive Title IVE-FC assistance, an otherwise eligible child shall meet the following requirements:

(1) Have been removed from the home of a relative as specified in 42 U.S.C. 606(c) as a result of a decision made by a court having juvenile jurisdiction.

(2) Have received assistance to families with dependent children under the Aid to Families with Dependent Children (AFDC) or Aid to Families with Dependent Children – Unemployed/Underemployed Parent (AFDC-UP) programs in or for the month in which the court action was initiated or would have received such assistance had application been made for the child.

(3) Be a child who:

(A) was not removed from the home of a relative specified in 42 U.S.C. 606(c), but who had lived with the relative within six (6) months prior to the month in which the court action to remove the child was initiated; and

(B) would have been eligible for assistance to families with dependent children under the AFDC or AFDC-UP program in the relative's home had the relative made application for the child in the month the court action was initiated.

(i) Children who are adjudicated delinquent and meet other Title IVE-FC requirements are eligible for Title IVE-FC payments if the children are not placed in a detention facility, forestry camp, training school, or any other facility operated primarily for the detention of children who are adjudicated to be delinquent.

(j) Deprivation requirements for AFDC children as set out in 42 U.S.C. 606(a) or 42 U.S.C. 607 shall also be met by Title IVE-FC eligible children. The assessment of whether deprivation exists or continues to exist will be made by considering the situation in the home from which the foster care child was removed.

(k) Continuing eligibility of all Title IVE-FC cases shall be redetermined and a home visit made to the child's approved or licensed foster care facility at least once every six (6) months and more often if necessary.

(l) Children age eighteen (18) or older are ineligible for Title IVE-FC payments.

(m) Children placed in nursing homes are ineligible to receive Title IVE-FC funding while in such placement. *(Department of Child Services; Title 3, Ch 7, Reg 3-720; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2226; filed Mar 1, 1984, 2:31 p.m.: 7 IR 993, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 a.m.: 11 IR 84; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2230; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-6) to the Department of Child Services (465 IAC 2-7-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-7-6 Title IVE; foster care assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 31-3-3

Sec. 6. (a) The maximum amount of foster care assistance (Title IVE-FC) payments shall be established by the state department of public welfare based upon the costs allowed for "foster care maintenance payments" as defined at 42 U.S.C. 675(4).

(b) The effective date of the initial Title IVE-FC award shall be no earlier than the date of application. Payment shall not be made retroactively. Payment will be made to the foster care facility as soon following placement as payment procedures will permit.

(c) Title IVE-FC funds shall be paid for the eligible child who has been made a ward of the county department of public welfare but placed under the supervision of a licensed child placing agency or probation department by court order provided regular reports are made to the county department by the probation department or licensed child placing agency as agreed upon by the agency and the county department.

(d) The initial determination of financial need of the Title IVE-FC child shall be based upon the following two (2) factors:

(1) The circumstances in the home from which the child was removed during the month in which the court wardship detention hearing or child in need of services (CHINS) adjudication process was initiated.

(2) The circumstances of the child in the current foster placement.

(e) In the determination of continuing eligibility for Title IVE-FC, financial need is based upon any available income in the child's own right. *(Department of Child Services; Title 3, Ch 7, Reg 3-721; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2227; filed Aug 26, 1987, 11:00 a.m.: 11 IR 86; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2231; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-7) to the Department of Child Services (465 IAC 2-7-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-7-7 AFDC regulations applicable to foster care assistance

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 31-3-3

Sec. 7. The Title IVE-FC program will abide by the following regulations pertaining to the AFDC program:

470 IAC 2-1-16–Regular Access Authority to the Department Public Assistance Division Personal Information System

470 IAC 2-4-12 *[470 IAC 2-4-12 was repealed filed Mar 23, 2000, 4:57 p.m.: 23 IR 1999.]*–Replacement of Lost or Stolen AFDC Warrants

470 IAC 2.1-1-1–Definitions

470 IAC 2.1-2-1–Payment for Examinations

470 IAC 2.1-3-1–Release of Information from County Department Public Assistance Case Records

470 IAC 10.1-1-1–(a) through (k)–Definitions

470 IAC 10.1-1-2–(b), (c)–Applicant and Recipient Responsibilities

470 IAC 10.1-1-3–Date of Application

470 IAC 10.1-2-1–Determination of Incapacity

470 IAC 10.1-3-1–Real and Personal Property Ownership

470 IAC 10.1-3-4–(a), (b), (c), (d), (f)–Determination; Countable Income

470 IAC 10.1-3-5–(1)–Good Cause for Terminating Employment, Reducing Earnings, or Refusing a Bona Fide Offer of Employment

470 IAC 10.1-5-1–Payment of Assistance

470 IAC 10.1-6-1–Payment of Burial ExpensesIC 12-1-2-3 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*

IC 12-1-2-9 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*

42 USC 670 *(Department of Child Services; Title 3, Ch 7, Reg 3-720; filed Aug 31, 1982, 1:37 pm: 5 IR 2228; filed Mar 1, 1984, 2:31 pm: 7 IR 994, eff Apr 1, 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-8) to the Department of Child Services (465 IAC 2-7-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 8. Assisted Guardianship Program

465 IAC 2-8-0.5 Application

Authority: IC 31-25-2-18
Affected: IC 12-14-28; IC 29-3-5; IC 31-34-21-7.5; IC 31-34-21-7.7

Sec. 0.5. This rule applies to a guardianship assistance agreement signed before July 1, 2012:
(1) that provides for monthly assistance payments as provided in section 5 of this rule; and
(2) under which payments were made for one (1) or more months before July 2012.
(Department of Child Services; 465 IAC 2-8-0.5; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA)

465 IAC 2-8-1 Definitions

Authority: IC 31-25-2-18
Affected: IC 12-7-2-162.5; IC 12-8-1.5-16; IC 12-13-1-1; IC 12-14-28; IC 29-3-1-6; IC 31-9-2-76.6; IC 31-9-2-117; IC 31-25-1-1; IC 31-34-21-7; IC 31-34-21-7.5

Sec. 1. (a) The definitions in this section apply throughout this rule.
(b) "Child" means a minor child as defined in 42 U.S.C. 619(2).
(c) "County director" means the director of a local office as defined in IC 31-9-2-76.6.
(d) "County office" means a local office of the department that currently has, or previously had, supervisory authority concerning a child who is or has been a child in need of services under IC 31-34 and who is or may be eligible for assistance under this rule.
(e) "Department" means the department of child services established by IC 31-25-1-1.
(f) "Family" means a residential household in which a child resides with an adult caretaker relative.
(g) "Guardian" means:
(1) a person described in IC 29-3-1-6 who has been appointed and is acting as guardian for a child; or
(2) a person who meets the conditions and requirements of section 3 of this rule, as determined by the county office.
(h) "Guardianship assistance agreement" means a written agreement signed by a guardian and county director, in a form prescribed by the department, that provides for monthly assistance payments to the guardian on behalf of a child, under the terms and provisions of this rule.
(i) "Permanency plan" means a plan described in IC 31-34-21-7.5 for a child who is a child in need of services that has been approved by a juvenile court pursuant to IC 31-34-21-7.
(j) "Relative" means a person who has a relationship to a child described in IC 12-7-2-162.5, other than a parent. For purposes of this rule, a grandparent may also include a great-grandparent.
(k) "Seriously disabled" means a condition that meets the requirements of 42 U.S.C. 1382c(a) and 20 CFR 416.901 et seq., for determining blindness or disability as a condition to eligibility for benefits under Title XVI of the Social Security Act, 42 U.S.C. 1382 et seq. The county office may request assistance from the disability determination bureau established under IC 12-8-1.5-16 in determining whether a child is seriously disabled.
(l) "Shelter care facility" means a facility described in IC 31-9-2-117(a).
(m) "TANF" means financial assistance to eligible recipients that the division of family resources established under IC 12-13-1-1 provides, or is authorized to provide pursuant to IC 12-14-28 or any applicable provision of the plan submitted to and accepted by the United States Department of Health and Human Services, from funds available to the division through Title IV-A of the Social Security Act, 42 U.S.C. 601 et seq. *(Department of Child Services; 465 IAC 2-8-1; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2426; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-1) to the Department of Child Services (465 IAC 2-8-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-8-2 Eligibility of child

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7
Affected: IC 12-14-28; IC 31-34-11-2; IC 31-34-20-1; IC 31-34-21-7; IC 31-34-21-7.5

Sec. 2. A child who meets all the following criteria shall be eligible for assistance under this rule:

(1) The child is either:

(A) not less than thirteen (13) years of age;

(B) a member of a sibling group at least one (1) of whom is not less than thirteen (13) years of age;

(C) seriously disabled; or

(D) approved for legal guardianship as a permanency plan by an order entered by a juvenile court having jurisdiction over the child, if the order finds and states compelling reasons for selecting guardianship as the preferred choice among available permanency plan options.

(2) The child must be residing in the household of an adult caretaker relative of the child.

(3) The gross family income attributable to the child under TANF rules and guidelines must be less than two hundred fifty percent (250%) of the federal poverty level.

(4) The child must have been adjudicated a child in need of services by a juvenile court in Indiana pursuant to IC 31-34-11-2.

(5) The child must have been removed from the child's home and placed in another home or shelter care facility, under supervision of a county office, pursuant to a dispositional decree entered under IC 31-34-20-1.

(6) The child must be residing with a guardian who meets the eligibility requirements specified in section 3 of this rule.

(7) The child must have resided with the guardian in the guardian's home for a continuous period of time not less than six (6) months.

(8) The permanency plan for the child approved by the juvenile court pursuant to IC 31-34-21-7 is appointment of a legal guardian for the child, as provided in IC 31-34-21-7.5(1)(E).

(Department of Child Services; 465 IAC 2-8-2; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-2) to the Department of Child Services (465 IAC 2-8-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-8-3 Eligibility of guardian

Authority: IC 31-25-2-18
Affected: IC 12-14-28; IC 31-27-4; IC 31-34-21-7.5

Sec. 3. A guardian who meets all the following criteria shall be eligible to receive assistance on behalf of a child who is eligible for assistance under section 2 of this rule:

(1) The guardian must be a relative of the child.

(2) The guardian must reside in a home that meets all requirements for licensing as a foster family home under IC 31-27-4 and 465 IAC 2-1.5.

(3) The eligible child must currently reside with the guardian in the home of the guardian.

(4) The eligible child must have resided with the guardian in the guardian's home for a continuous period of time not less than six (6) months.

(5) The guardian must be primarily responsible for providing for appropriate care, support, maintenance, education, and welfare of the child.

(6) The guardian must meet each of the following criteria, as shown by a home study and evaluation of the guardian and child prepared or approved by a county office:

(A) Have the current and projected continuing ability to provide for the child's physical, mental, emotional, educational, and psychological needs, upon termination of supervision of the child by the department or county office, except for provision of assistance approved under this rule.

(B) Have the continuing ability, willingness, and motivation to access and obtain appropriate services outside the home that are necessary or appropriate for the health, education, development, and well-being of the child and that will assist

the child in becoming a self-supporting adult to the maximum extent feasible.

(C) Have established a nurturing, stable relationship with the child in which the child indicates a desire to continue a family relationship and residence with the guardian in the guardian's household.

(D) Have demonstrated the ability to determine and regulate an appropriate level of relationship and ongoing contacts with any parent or other close relative of the child, consistent with the safety and best interests of the child, and in conformance with any plan of visitation ordered or approved by the court in the child in need of services proceeding.

(Department of Child Services; 465 IAC 2-8-3; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-3) to the Department of Child Services (465 IAC 2-8-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-8-4 Guardianship procedures

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 29-3-5-1; IC 29-3-6-1; IC 31-34-21-7.5

Sec. 4. (a) If the guardian has not previously established a legal guardianship for the child under IC 29-3, the county office having jurisdiction over the child will refer the prospective guardian to the attorney for the county office for the purpose of assisting the guardian in establishing a legal guardianship of the child's person that satisfies all requirements of IC 29-3 and IC 31-34-21-7.5(1)(E).

(b) If the county office has determined that the child and guardian meet all eligibility requirements for assistance as specified in sections 2 and 3 of this rule, the county office may, with the approval of the county director, file a petition under IC 29-3-5-1 for appointment of the guardian as a legal guardian of the child under IC 29-3. The county office may pay all or any designated portion of the legal costs and other expenses of the guardianship proceeding, including the services of the attorney for the county office, reasonably incurred by or on behalf of the guardian in order to establish and maintain the legal guardianship.

(c) The county office shall solicit consent of any parent of the child for establishment of a legal guardianship with assistance provided under this rule, if the parent is identified and can be contacted with reasonable efforts. The county office will document and present to the court in the guardianship proceeding a written report of its efforts to solicit parental consent and the results of those efforts. Consent of an identified parent is not a necessary condition for assistance to a prospective guardian in establishing a legal guardianship, or for provision of financial or other assistance to a child and guardian in accordance with this rule.

(d) The county office shall give notice of the filing of a guardianship petition under this section and any hearing thereon in accordance with IC 29-3-6-1(3). *(Department of Child Services; 465 IAC 2-8-4; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-4) to the Department of Child Services (465 IAC 2-8-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-8-5 Guardianship assistance payments

Authority: IC 31-25-2-18
Affected: IC 12-14-28; IC 29-3-5; IC 31-34-21-7.5; IC 31-34-21-11

Sec. 5. (a) The department will make monthly payments of financial assistance to a guardian eligible for assistance under section 3 of this rule, on behalf of a child eligible for assistance under section 2 of this rule, subject to all applicable conditions and limitations stated in this rule.

(b) The department will determine the amount of monthly payments to an eligible guardian under subsection (a) based on the needs of the child as determined in accordance with applicable guidelines for financial assistance to families and children provided through TANF, not exceeding a monthly payment of five hundred twelve dollars ($512) per child.

(c) An approved monthly payment will be payable to the eligible guardian beginning with the month immediately following the month in which the latest of the following events occurs:

(1) Closure by the juvenile court of the child in need of services case of the child for whom the assistance is payable, by order

entered pursuant to IC 31-34-21-11 discharging the child.

(2) Appointment of the guardian as a legal guardian of the person of the child, by order entered pursuant to IC 29-3-5.

(d) The guardian shall apply for assistance under this rule to the county office having jurisdiction over the child in the form prescribed by the department. If the application is approved, the guardian and county director must sign a guardianship assistance agreement in the form prescribed by the department.

(e) The department will review periodically the eligibility of the guardian and child for continuation of monthly assistance payments. The guardian must provide to the department any financial and other information requested for purposes of the review. The department may, at the time of and as part of the review, redetermine the amount of future monthly assistance payments based on the information provided or obtained by the department and the applicable TANF guidelines.

(f) The department may pay all or any portion of monthly assistance payments under this rule from funds available to the department. *(Department of Child Services; 465 IAC 2-8-5; 10.5-5; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2428; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-5) to the Department of Child Services (465 IAC 2-8-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-8-6 Termination of guardianship assistance payments

Authority: IC 31-25-2-18
Affected: IC 12-14-28; IC 31-19; IC 31-34-9; IC 31-34-21-7.5

Sec. 6. (a) The department shall terminate any monthly assistance payment and guardianship assistance agreement approved under section 5 of this rule upon occurrence of any of the following events:

(1) The child's attainment of eighteen (18) years of age, except as provided in subsection (c).

(2) Entry of a court order awarding legal custody of the child to a person other than the guardian.

(3) Incarceration of the child in an adult correctional facility pursuant to a sentence and commitment order of a court of competent jurisdiction.

(4) Detention of the child in a juvenile detention center for a period of time of not less than one hundred eighty (180) days, pursuant to an order of a juvenile court having jurisdiction of the child.

(5) Entry of a dispositional decree in a child in need of services proceeding based on events occurring while the child is residing with the guardian and subsequent to the date of approval of the guardianship assistance agreement if the dispositional decree provides for removal of the child from the home of the guardian.

(6) Death of the child.

(7) Adoption of the child by the guardian or any other person under IC 31-19 or the adoption laws of any other state or country.

(8) Termination of the legal guardianship by order of the court having jurisdiction in the guardianship proceeding.

(b) The department may terminate any monthly assistance payment and guardianship assistance agreement approved under section 5 of this rule, upon occurrence of any of the following events:

(1) The child is no longer residing in the home of the guardian.

(2) The guardian has failed to submit to the department the information required or requested by the department for the periodic review of eligibility and amount of the monthly assistance payment pursuant to section 5(e) of this rule.

(3) The guardian is not providing financial assistance necessary or adequate for the support and maintenance of the child.

(4) The guardian no longer satisfies one (1) or more of the criteria specified in section 3(6) of this rule.

(5) The guardian has failed to maintain medical insurance coverage for the child as required by section 7 of this rule.

(6) The child has been determined to be a child in need of services by an order entered by a juvenile court in a proceeding commenced under IC 31-34-9 after approval of the guardianship assistance agreement.

(7) The household in which the child resides is no longer a qualifying family.

(8) A successor guardian has been appointed for the child in the guardianship proceeding.

(9) The department has determined that appropriated funds are no longer available to support continuation of monthly assistance payments.

(c) The department may continue monthly assistance payments to the guardian on behalf of the child, or make monthly assistance payments directly to the child, after the child has attained eighteen (18) years of age, if the child has not attained nineteen (19) years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

(d) The department shall send notice of termination of assistance under this section to the guardian at the guardian's current or last known address. The notice shall include a statement of the reason or reasons for termination as determined by the department.

(e) The effective date of termination of a monthly assistance payment and guardianship assistance agreement under this section shall be the date of occurrence of the event. If the guardian or child has received a payment attributable to a time period after the effective date of termination, as determined under this subsection, the guardian or child shall be obligated to repay the amount of that payment to the department. *(Department of Child Services; 465 IAC 2-8-6; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2428; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-6) to the Department of Child Services (465 IAC 2-8-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-8-7 Medical insurance coverage for child

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-15-2-14; IC 12-17.6-3; IC 12-17.6-4-2

Sec. 7. (a) The guardian shall apply on behalf of the child for any medical insurance or assistance for which the child is eligible under IC 12-15-2-14, IC 12-17.6-3, or any other applicable law that provides financial assistance for medical or health care expenses.

(b) If the child is not eligible for medical insurance or assistance provided through the Indiana Medicaid program or the children's health insurance program (CHIP), the guardian shall obtain private health insurance coverage for the child that provides benefits substantially equivalent to the benefits that would be provided under IC 12-17.6-4-2 if the child were eligible for coverage under IC 12-17.6-3.

(c) Medical insurance coverage must be in effect at the time of approval of the guardianship assistance agreement. The guardian shall provide to the county office satisfactory evidence that the required coverage is in effect.

(d) The guardian must maintain medical insurance coverage for the child, in the manner provided in this section, as a condition to continued eligibility for monthly assistance payments under this rule. *(Department of Child Services; 465 IAC 2-8-7; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2429; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-7) to the Department of Child Services (465 IAC 2-8-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-8-8 Other assistance

Authority: IC 31-25-2-18
Affected: IC 31-9-2-17.8

Sec. 8. (a) The county office will provide to the guardian, at the time the guardianship assistance agreement is approved, information concerning resources that may be available to the guardian or child through the department, the county office, or other community agencies, to assist the guardian in providing for the child's physical, mental, psychological, educational, and other needs appropriate to the child's development and transition to adult status and independent living.

(b) The department or county office will not be responsible for monitoring the guardian's care and supervision of the child during the time the guardianship assistance agreement is in effect, or for providing any services to the child, except as provided in this rule or in the agreement. *(Department of Child Services; 465 IAC 2-8-8; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2429; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-*

465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-8) to the Department of Child Services (465 IAC 2-8-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-8-9 Child support

Authority: IC 31-25-2-18; IC 31-25-4-27
Affected: IC 29-3; IC 31-25-2-7; IC 31-25-4

Sec. 9. (a) As a condition to receipt of a monthly assistance payment under this rule, the guardian shall assign to the department any right that the guardian may have, on behalf of the guardian, eligible child, or any other family member residing in the guardian's household, to receive child support payments from a noncustodial parent for the benefit of the child in accordance with all applicable requirements of 42 U.S.C. 608(a)(3), IC 31-25-2-7, and any rules or regulations implementing those requirements.

(b) The guardianship assistance agreement may include a provision by which the guardian assigns child support rights to the department as provided in this section.

(c) All amounts received by the department through the Indiana statewide child support enforcement system administered pursuant to IC 31-25-4 as payment of a current or accrued child support obligation or arrearage, on behalf of the child for whom monthly assistance payments are made under this rule, shall be distributed in accordance with 42 U.S.C. 657 and any applicable federal regulations, subject to the requirements of any court order in effect relating to payment of support on behalf of the child. *(Department of Child Services; 465 IAC 2-8-9; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-9) to the Department of Child Services (465 IAC 2-8-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-8-10 TANF reporting (Repealed)

Sec. 10. *(Repealed by Department of Child Services; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA)*

465 IAC 2-8-11 Guardianship administration

Authority: IC 31-25-2-18
Affected: IC 29-3-6-1; IC 31-34-21-7.5

Sec. 11. (a) The guardian receiving assistance under this rule on behalf of an eligible child shall be responsible for compliance with all duties and responsibilities of a legal guardian under any applicable provision of IC 29-3, including filing with the court having jurisdiction over the guardianship of any required pleadings, reports, documents, or accounts with respect to the guardianship estate.

(b) Except as provided in section 4 of this rule, the guardian shall give notice of all hearings in the guardianship proceedings as required by IC 29-3-6-1, including notice to the department during any time that a guardianship assistance agreement is in effect.

(c) The department or county office shall have no responsibility for administration of the guardianship, accounting to the child or court for any activities of the guardian, or disposition of the proceeds of monthly assistance payments made to the guardian on behalf of the child. *(Department of Child Services; 465 IAC 2-8-11; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-11) to the Department of Child Services (465 IAC 2-8-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-8-12 Administrative appeals (Expired)

Sec. 12. *(Expired under IC 4-22-2.5, effective January 1, 2014.)*

465 IAC 2-8-13 Local guardianship assistance program

Authority: IC 31-25-2-18
Affected: IC 31-34-21-7.5

Sec. 13. (a) A county office may, with the approval of the juvenile court in the county, establish and operate a local program for financial assistance to a guardianship established as a permanency plan for a child in need of services pursuant to IC 31-34-21-7.5(c)(1)(E), supplemental to the assisted guardianship program established under this rule and financed through any funds available to the department for that purpose.

(b) A local program established in accordance with this section shall be evidenced by a written plan containing eligibility standards and assistance guidelines that is approved by the county director and juvenile court.

(c) A copy of the local program plan shall be submitted to the department. The director of the department may request any modification of the plan that, in the opinion of the director, is necessary to prevent any conflict with the program established under this rule. *(Department of Child Services; 465 IAC 2-8-13; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA; filed Dec 14, 2016, 12:05 p.m.: 20170111-IR-465160216FRA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-13) to the Department of Child Services (465 IAC 2-8-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 9. Children's Homes and Child Caring Institutions

465 IAC 2-9-1 Applicability

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as institutions caring for more than ten (10) children.

(b) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

(1) A license to operate an institution under this rule.
(2) A license to operate an emergency shelter care under 470 IAC 3-12.
(3) A license to operate an institution under this rule and a license to operate an emergency shelter care under 470 IAC 3-12.
(4) A license to operate an institution under this rule and a license to operate a private secure facility under 470 IAC 3-13.
(5) A license to operate an institution under this rule and a license to operate an emergency shelter care under 470 IAC 3-12 and a license to operate a private secure facility under 470 IAC 3-13.

(Department of Child Services; 465 IAC 2-9-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-1) to the Department of Child Services (465 IAC 2-9-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-2 "Administrator" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Department of Child Services; 465 IAC 2-9-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from*

the Division of Family Resources (470 IAC 3-11-2) to the Department of Child Services (465 IAC 2-9-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-3 "Admission" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Department of Child Services; 465 IAC 2-9-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-3) to the Department of Child Services (465 IAC 2-9-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-4 "Application" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Department of Child Services; 465 IAC 2-9-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-4) to the Department of Child Services (465 IAC 2-9-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Department of Child Services; 465 IAC 2-9-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-5) to the Department of Child Services (465 IAC 2-9-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-6 "Communicable disease" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Department of Child Services; 465 IAC 2-9-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-6) to the Department of Child Services (465 IAC 2-9-6) by P.L.234-2005, SECTION 195,*

effective July 1, 2005.

465 IAC 2-9-7 "Confinement room" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Department of Child Services; 465 IAC 2-9-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-7) to the Department of Child Services (465 IAC 2-9-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-8 "Corporal punishment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Department of Child Services; 465 IAC 2-9-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-8) to the Department of Child Services (465 IAC 2-9-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-9 "Emergency shelter" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:

(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and

(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Department of Child Services; 465 IAC 2-9-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-9) to the Department of Child Services (465 IAC 2-9-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-10 "Food service" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Department of Child Services; 465 IAC 2-9-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-10) to the Department of Child Services (465 IAC 2-9-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-11 "FPBSC" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Department of Child Services; 465 IAC 2-9-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-11) to the Department of Child Services (465 IAC 2-9-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-12 "Governing body" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Department of Child Services; 465 IAC 2-9-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-12) to the Department of Child Services (465 IAC 2-9-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-13 "Group home" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Department of Child Services; 465 IAC 2-9-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-13) to the Department of Child Services (465 IAC 2-9-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-14 "Institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in this rule or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under this rule or 470 IAC 3-12. *(Department of Child Services; 465 IAC 2-9-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-14) to the Department of Child Services (465 IAC 2-9-14) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-15 "License" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific

address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Department of Child Services; 465 IAC 2-9-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-15) to the Department of Child Services (465 IAC 2-9-15) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-16 "Living unit" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Department of Child Services; 465 IAC 2-9-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-16) to the Department of Child Services (465 IAC 2-9-16) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-17 "Mechanical restraints" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Department of Child Services; 465 IAC 2-9-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-17) to the Department of Child Services (465 IAC 2-9-17) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-18 "Needs assessment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Department of Child Services; 465 IAC 2-9-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-18) to the Department of Child Services (465 IAC 2-9-18) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-19 "Parent agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Department of Child Services; 465 IAC 2-9-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-19) to the Department of Child Services (465 IAC 2-9-19) by P.L.234-2005,*

SECTION 195, effective July 1, 2005.

465 IAC 2-9-20 "Placing agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Department of Child Services; 465 IAC 2-9-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-20) to the Department of Child Services (465 IAC 2-9-20) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-21 "Placing parent or guardian" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Department of Child Services; 465 IAC 2-9-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-21) to the Department of Child Services (465 IAC 2-9-21) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-22 "Private secure facility" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Department of Child Services; 465 IAC 2-9-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-22) to the Department of Child Services (465 IAC 2-9-22) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-23 "Program director" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Department of Child Services; 465 IAC 2-9-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-23) to the Department of Child Services (465 IAC 2-9-23) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-24 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Department of Child Services; 465 IAC 2-9-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-24) to the Department of Child Services (465 IAC 2-9-24) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-25 "Psychotropic medication" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Department of Child Services; 465 IAC 2-9-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-25) to the Department of Child Services (465 IAC 2-9-25) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-26 "SBH" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Department of Child Services; 465 IAC 2-9-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-26) to the Department of Child Services (465 IAC 2-9-26) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-27 "SDPW" or "department" defined

Authority: IC 31-27-2-4
Affected: IC 31-25-1-1; IC 31-27-3

Sec. 27. As used in this rule, "SDPW" or "department" means the department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-9-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-27) to the Department of Child Services (465 IAC 2-9-27) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-28 "SFM" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Department of Child Services; 465 IAC 2-9-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007,*

6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-28) to the Department of Child Services (465 IAC 2-9-28) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-29 "Staff development" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Department of Child Services; 465 IAC 2-9-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-29) to the Department of Child Services (465 IAC 2-9-29) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-30 "Treatment plan" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Department of Child Services; 465 IAC 2-9-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-30) to the Department of Child Services (465 IAC 2-9-30) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-31 "Variance" defined

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. No variance shall be granted from the conditions listed in sections 58 and 59 of this rule. *(Department of Child Services; 465 IAC 2-9-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-31) to the Department of Child Services (465 IAC 2-9-31) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-32 "Waiver" defined

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. No waiver shall be granted from the conditions listed in sections 58 and 59 of this rule. *(Department of Child Services; 465 IAC 2-9-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-32) to the Department of Child Services (465 IAC 2-9-32) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The licensee shall submit a separate application for each license required.

(b) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(c) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(d) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(e) A child caring institution shall not care for children under the age of six (6) years.

(f) The license shall be posted in a conspicuous place in the child caring institution. *(Department of Child Services; 465 IAC 2-9-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-33) to the Department of Child Services (465 IAC 2-9-33) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

(1) the name of the licensee changes;

(2) the type of child caring institution changes;

(3) the address of the child caring institution changes; or

(4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. *(Department of Child Services; 465 IAC 2-9-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-34) to the Department of Child Services (465 IAC 2-9-34) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:

(1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.

(2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.

(b) The SDPW shall review the written request based on but not limited to the following:

(1) On-site review, if applicable.

(2) Written documentation.

(3) Review of the requests by SDPW field consultants and administration.

(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.

(c) The SDPW shall provide, within ninety (90) days of the receipt of the written request, a written response of denial or approval.

(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or

welfare. *(Department of Child Services; 465 IAC 2-9-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-35) to the Department of Child Services (465 IAC 2-9-35) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-36 Reporting requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.
(Department of Child Services; 465 IAC 2-9-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-36) to the Department of Child Services (465 IAC 2-9-36) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information regarding the following:
    (A) New construction and maintenance of building.
    (B) Operation of the child caring institution and child care program.
    (C) Sources of income and fundraising methods.
(7) Program design for the children as follows:
    (A) Emotional and social development.
    (B) Education.
    (C) Work program.
    (D) Recreation.
    (E) Nutrition.

(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
(b) The child caring institution shall operate in accordance with the written plan of operation. *(Department of Child Services; 465 IAC 2-9-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-37) to the Department of Child Services (465 IAC 2-9-37) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-38 Governing body
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.
(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Department of Child Services; 465 IAC 2-9-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-38) to the Department of Child Services (465 IAC 2-9-38) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-39 Financial resources; accounting; insurance
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.
(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.
(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:
(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.
(5) Fixed expenses.
(6) Maintenance, repair, and replacement of furnishings and equipment.
(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.
(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.
(f) The treasurer, administrator, and any other persons handling funds shall be bonded.
(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:
(1) Public liability.
(2) Worker's compensation.

(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. *(Department of Child Services; 465 IAC 2-9-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-39) to the Department of Child Services (465 IAC 2-9-39) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing.

(b) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. *(Department of Child Services; 465 IAC 2-9-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-40) to the Department of Child Services (465 IAC 2-9-40) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews.

(3) Financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Department of Child Services; 465 IAC 2-9-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-41) to the Department of Child Services (465 IAC 2-9-41) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually. *(Department of Child Services; 465 IAC 2-9-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02*

p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-42) to the Department of Child Services (465 IAC 2-9-42) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.

(Department of Child Services; 465 IAC 2-9-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-43) to the Department of Child Services (465 IAC 2-9-43) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(Department of Child Services; 465 IAC 2-9-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-44) to the Department of Child Services (465 IAC 2-9-44) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.

(3) Documentation of reference with an evaluation of the following:
(A) Ability, character, and suitability for working with children.
(B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Department of Child Services; 465 IAC 2-9-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-45) to the Department of Child Services (465 IAC 2-9-45) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Initial assessment of child and family and resulting treatment plan.
(15) Written quarterly progress reports and six (6) month treatment plan revisions.
(16) Documentation of efforts to provide services to the child's family.
(17) Documentation of any discipline of a child which results in an injury.
(18) School report, including teachers' evaluation of child's progress.
(19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(20) Discharge information required under section 67 of this rule.
(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.
(c) Staff entries in case records shall be dated and signed.
(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20). *(Department of Child Services; 465 IAC 2-9-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-46) to the Department of Child Services (465 IAC 2-9-46) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-3 *[470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.]*, is exempted from this rule. *(Department of Child Services; 465 IAC 2-9-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1966; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-47) to the Department of Child Services (465 IAC 2-9-47) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-48 Administrative and supervisory personnel

Authority: IC 31-27-2-4
Affected: IC 31-27-3

Sec. 48. (a) The child-caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the department.

(c) When nondirect care functions have been approved by the department and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and have a master's degree or higher from an accredited school in:

(1) social work;

(2) counseling; or

(3) a related human service area of study.

(e) The administrator shall also meet one (1) of the following requirements:

(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.

(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:

(A) A clinical social worker.

(B) A marriage and family therapist.

(C) A mental health counselor.

(D) A social worker with a master's degree.

(E) A related field as determined by the department.

(f) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in a child welfare agency or therapeutic setting that serves children. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsections (d) and (e) rather than the qualification set forth in subsection (h).

(g) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(h) The program director shall have one (1) of the following:

(1) A master's degree in social work, counseling, or a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus four (4) years of experience in a professional capacity in a child welfare agency or therapeutic setting that serves children.

(i) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school, plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(j) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child-caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child-caring institution.

(3) A high school diploma and four (4) years of work experience in a child-caring institution.

(k) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-9-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1966; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-48) to the Department of Child Services (465 IAC 2-9-48) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-49 Professional personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every twenty-four (24) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers. *(Department of Child Services; 465 IAC 2-9-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-49) to the Department of Child Services (465 IAC 2-9-49) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-50 Direct care personnel; child-staff ratios

Authority: IC 31-27-2-4
Affected: IC 31-27-3

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

(1) be at least twenty-one (21) years of age; and

(2) have at least a high school or equivalency diploma.

(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios.

(c) While children are awake, the direct care worker to child ratio shall be determined and approved by the department based on the needs of the children being served. The approved ratio shall range between 1:4 to 1:8. While children are sleeping, the ratio shall be at least one (1) direct care worker to every twelve (12) children.

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every four (4) children, whether the children are awake or asleep.

(e) When one (1) employee is supervising a group of children, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities.

(g) The institution shall maintain a ratio of supervisors to direct care workers that ranges between 1:4 to 1:8.

(h) To be considered in the staffing ratios, the staff must be awake. Any institution who is approved prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-9-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-*

465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-50) to the Department of Child Services (465 IAC 2-9-50) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Department of Child Services; 465 IAC 2-9-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-51) to the Department of Child Services (465 IAC 2-9-51) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Department of Child Services; 465 IAC 2-9-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-52) to the Department of Child Services (465 IAC 2-9-52) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Department of Child Services; 465 IAC 2-9-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-53) to the Department of Child Services (465 IAC 2-9-53) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.
(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. *(Department of Child Services; 465 IAC 2-9-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-54) to the Department of Child Services (465 IAC 2-9-54) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Department of Child Services; 465 IAC 2-9-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-55) to the Department of Child Services (465 IAC 2-9-55) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Department of Child Services; 465 IAC 2-9-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-56) to the Department of Child Services (465 IAC 2-9-56) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-57 Discipline and guidance

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:
(1) have a written discipline policy; and
(2) make the policy available to:
(A) placement agencies;
(B) staff;
(C) parents; and
(D) children in care.
(b) Discipline and guidance shall be as follows:
(1) Consistent.
(2) Based on an understanding of individual needs and development.
(3) Promote self-discipline and acceptable social behavior.
(c) Children shall be treated kindly and humanely at all times.
(d) The administrator shall not use, or permit any person to use, any of the following:
(1) Cruel, harsh, or unusual punishment.
(2) Treatment that is mentally, physically, or emotionally abusive or neglectful.
(3) Any humiliating or frightening method to control the actions of any child or group of children.
(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
(f) The child caring institution shall prohibit, as a method of discipline, the following:
(1) Confinement to a locked or dark room.
(2) Use of mechanical restraints.
(3) Undue confinement to bed.
(4) Deprivation of meals or snacks.
(5) Inappropriate assignment of work.
(6) Group discipline for an offense by an individual child.
(7) Any child or group of children punishing another child.
(8) Deprivation of visits or contact with:
(A) parents;
(B) guardian ad litem;
(C) court appointed special advocate; or
(D) placing worker.

(Department of Child Services; 465 IAC 2-9-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.:

20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-57) to the Department of Child Services (465 IAC 2-9-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-58 Confinement rooms

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child:

(1) is in danger of harming himself or herself or others; and

(2) has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

(1) A definition of the circumstances that justify the use of confinement.

(2) A maximum time period for each episode of confinement not to exceed:

(A) fifteen (15) minutes for a child less than ten (10) years of age; or

(B) one (1) hour for a child ten (10) years of age and over.

(3) Record keeping of each confinement episode as noted in subsection (h).

(4) A clear designation of persons who have authority to approve the confinement period.

(5) Directions for removal of all dangerous items from the child, such as:

(A) belts;

(B) shoelaces;

(C) jewelry;

(D) items in pockets;

(E) matches; and

(F) any other items;

that represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) An awake staff member trained in emergency interventions shall continuously maintain direct observation of the child during the confinement to assess the child's physical and emotional well-being.

(g) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the following:

(1) The therapeutic value of each confinement episode.

(2) Safety considerations.

(3) Appropriate utilization of confinement.

(4) Adherence to the general policy of confinement as established in subsection (d).

(h) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

(1) The circumstances leading to confinement.

(2) The period of time a child was confined.

(3) The name of the staff person observing the child's confinement.

(4) Behavioral observations of the child.

(i) Notation of each confinement shall be placed in the individual case record of the child.

(j) Confinement rooms shall be constructed and maintained in the following manner:

(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.

(2) Equipped and sized for therapeutic use with at least:
(A) thirty-six (36) feet of floor space; and
(B) eight (8) feet high ceilings.
(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.
(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.
(5) No functional electrical outlets are located in the room.
(6) A window is provided to allow for a visual check of the child without entering the room.
(7) Windows are secured and protected so as to prevent harm to the occupant.
(8) Ceiling lights are provided, protected, and recessed.
(9) The room is heated, cooled, and ventilated as required under 675 IAC.
(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.
(Department of Child Services; 465 IAC 2-9-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; errata, 14 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-58) to the Department of Child Services (465 IAC 2-9-58) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-59 Physical restraints
Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 59. (a) Physical restraint shall be used only if:
(1) the child is a clear and present danger to himself or herself or others; and
(2) therapeutic crisis intervention techniques:
(A) have been attempted and failed; or
(B) are diagnostically eliminated prior to use.
Under no circumstance shall mechanical restraints be utilized to control a child's behavior.
(b) An awake staff member uninvolved in the restraint and trained in emergency interventions shall continuously maintain direct observation of the child during the restraint.
(c) If an institution uses physical restraints, the institution shall develop policies and procedures on their usage that include the following:
(1) A description of the types of physical restraints used.
(2) The criteria for use.
(3) Staff authorized to approve use.
(4) Staff authorized and trained to apply restraints.
(5) Procedures for application.
(6) Staff training requirements.
(7) Time limitations on use.
(8) Monitoring requirements while child is in restraints.
(d) Documentation of physical restraint training shall be in each employee's personnel record.
(e) An institution shall not use any form of restraint until the policies and procedures in subsection (c) have been approved by the SDPW.
(f) A record shall be maintained of each incident of physical restraint and placed in the child's record that includes the following information:
(1) The date and time of the incident.
(2) The name of the child.
(3) The form of restraint used.
(4) The length of time in restraint.
(5) The name and title of the person who authorized use of restraint.

(6) The name and title of the person applying the restraint.

(7) The name of the person responsible for monitoring the child while in restraints.

(8) A description of the child's behavior prior to, during, and after use of restraints.

(9) A treatment team assessment of the effectiveness of the restraint and future alternatives.

(Department of Child Services; 465 IAC 2-9-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1970; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-59) to the Department of Child Services (465 IAC 2-9-59) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-60 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 *[511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.]* with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Department of Child Services; 465 IAC 2-9-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1970; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-60) to the Department of Child Services (465 IAC 2-9-60) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-61 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Department of Child Services; 465 IAC 2-9-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-61) to the Department of Child Services (465 IAC 2-9-61) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-62 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time

for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Department of Child Services; 465 IAC 2-9-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-62) to the Department of Child Services (465 IAC 2-9-62) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-63 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Department of Child Services; 465 IAC 2-9-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-63) to the Department of Child Services (465 IAC 2-9-63) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-64 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Department of Child Services; 465 IAC 2-9-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-64) to the Department of Child Services (465 IAC 2-9-64) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-65 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically

exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Department of Child Services; 465 IAC 2-9-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-65) to the Department of Child Services (465 IAC 2-9-65) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-66 Treatment plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall have completed a written treatment plan for each child within forty-five (45) days of admission and shall provide a copy of the plan to the placing agency or placing parent or guardian.

(b) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(c) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(d) The treatment plan shall include an assessment of the following with the child and family:

(1) Needs.

(2) Strengths.

(3) Weaknesses.

(4) Problem areas.

(e) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

(1) Education.

(2) Daily living activities.

(3) Any specialized recreation.

(4) Any specialized services, such as counseling.

(5) Family involvement and plan for visitation.

(6) The projected length of stay.

(f) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.

(g) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(h) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency.

(i) The child caring institution shall provide a written summary of each quarterly review to the placing agency or placing parent or guardian. *(Department of Child Services; 465 IAC 2-9-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-66) to the Department of Child Services (465 IAC 2-9-66) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-67 Discharge

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.

(2) Recommendations for the child and family following discharge.

(3) The date and reasons for discharge.

(4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Department of Child Services; 465 IAC 2-9-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-67) to the Department of Child Services (465 IAC 2-9-67) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-68 Services to families

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Department of Child Services; 465 IAC 2-9-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-68) to the Department of Child Services (465 IAC 2-9-68) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-69 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Department of Child Services; 465 IAC 2-9-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-69) to the Department of Child Services (465 IAC 2-9-69) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-70 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Department of Child Services; 465 IAC 2-9-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-70) to the Department of Child Services (465 IAC 2-9-70) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-71 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.

(2) Seizures.

(3) Hemorrhaging.

(4) Artificial respiration.

(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.

(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The "Red Cross First Aid Manual" or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff.

(Department of Child Services; 465 IAC 2-9-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-71) to the Department of Child Services (465 IAC 2-9-71) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-72 Medication; disbursement, application

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Department of Child Services; 465 IAC 2-9-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40

p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-72) to the Department of Child Services (465 IAC 2-9-72) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-73 Psychotropic medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Department of Child Services; 465 IAC 2-9-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-73) to the Department of Child Services (465 IAC 2-9-73) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-74 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Department of Child Services; 465 IAC 2-9-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-74) to the Department of Child Services (465 IAC 2-9-74) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-75 Health requirements for children

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

(1) Health history.

(2) Physical examination.

(3) Vision and hearing screening.

(4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.

(5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.

(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) A health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

(1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.

(e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.

(i) Adequate documentation of an immunization history shall consist of one (1) of the following:

(1) A licensed physician's certificate including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation including the number and dates of doses administered.

(3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed physician certifies in writing that a particular immunization required under this section is detrimental, or may be detrimental, to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer to be detrimental to the child's health.

(k) The child caring institution shall maintain a health record for each child. The record shall include the following:

(1) Admission and periodic health and dental examination information.

(2) A licensed physician's written instructions with regard to special dietary or health care required.

(3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Department of Child Services; 465 IAC 2-9-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-75) to the Department of Child Services (465 IAC 2-9-75) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-76 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Department of Child Services; 465 IAC 2-9-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1975; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-76) to the Department of Child Services (465 IAC 2-9-76) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-77 Nutrition and food service; menus; vendor service; education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]*, food service sanitation requirements, as adopted on November 3, 1983, and any successive changes.

(k) The institution shall keep a copy of 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]* in the kitchen at all times for reference.

(l) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(m) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(n) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(o) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(p) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(q) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (j) through (p):

(1) The kitchen shall meet state and local codes for a one (1) family residence and shall be approved by the SBH.

(2) The kitchen shall be equipped with the following:

(A) A stove.

(B) A refrigerator.

(C) Closed cabinets for food and utensil storage.

(D) A two (2) compartment sink and an automatic dishwasher or a three (3) compartment sink.

(E) Light and ventilation.

(F) Walls and ceilings that are smooth and easily washed.

(G) Counter surfaces that are smooth and free of cracks and seams.

(Department of Child Services; 465 IAC 2-9-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1975; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-77) to the Department of Child Services (465 IAC 2-9-77) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-78 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Department of Child Services; 465 IAC 2-9-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1977; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-78) to the Department of Child Services (465 IAC 2-9-78) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-79 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(b) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of each bunk bed. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well-ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(g) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(h) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Department of Child Services; 465 IAC 2-9-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1977; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-79) to the Department of Child Services (465 IAC 2-9-79) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-80 Maintenance and safety

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Department of Child Services; 465 IAC 2-9-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-80) to the Department of Child Services (465 IAC 2-9-80) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-81 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Department of Child Services; 465 IAC 2-9-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-81) to the Department of Child Services (465 IAC 2-9-81) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-82 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual

toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Department of Child Services; 465 IAC 2-9-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-82) to the Department of Child Services (465 IAC 2-9-82) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-83 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Department of Child Services; 465 IAC 2-9-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-83) to the Department of Child Services (465 IAC 2-9-83) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-84 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Department of Child Services; 465 IAC 2-9-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-84) to the Department of Child Services (465 IAC 2-9-84) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-85 Fire prevention and building safety plan, design, and construction

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. *(Department of Child Services; 465 IAC 2-9-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; errata, 14 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-85) to the Department of Child Services (465 IAC 2-9-85) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-86 Heat, light, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 86. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(Department of Child Services; 465 IAC 2-9-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-86) to the Department of Child Services (465 IAC 2-9-86) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-87 Electrical equipment, plumbing, and combustible materials

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 87. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules, and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. *(Department of Child Services; 465 IAC 2-9-87; filed Jun 27, 1991, 12:00 p.m.:*

14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-87) to the Department of Child Services (465 IAC 2-9-87) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-9-88 Halls, windows, doors, and exits

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 88. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. *(Department of Child Services; 465 IAC 2-9-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-88) to the Department of Child Services (465 IAC 2-9-88) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-9-89 Safety equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 89. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. *(Department of Child Services; 465 IAC 2-9-89; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-89) to the Department of Child Services*

(465 IAC 2-9-89) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Rule 10. Emergency Shelter Care Children's Homes and Child Caring Institutions

465 IAC 2-10-1 Applicability
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as institutions caring for more than ten (10) children.

(b) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

(1) A license to operate an institution under 470 IAC 3-11.
(2) A license to operate an emergency shelter care under this rule.
(3) A license to operate an institution under 470 IAC 3-11, and a license to operate an emergency shelter care under this rule.
(4) A license to operate an institution under 470 IAC 3-11, and a license to operate a private secure facility under 470 IAC 3-13.
(5) A license to operate an institution under 470 IAC 3-11, a license to operate an emergency shelter care under this rule, and a license to operate a private secure facility under 470 IAC 3-13.

(Department of Child Services; 465 IAC 2-10-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-1) to the Department of Child Services (465 IAC 2-10-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-2 "Administrator" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Department of Child Services; 465 IAC 2-10-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-2) to the Department of Child Services (465 IAC 2-10-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-3 "Admission" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Department of Child Services; 465 IAC 2-10-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-3) to the Department of Child Services (465 IAC 2-10-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-4 "Application" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Department of Child Services; 465 IAC 2-10-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-4) to the Department of Child Services (465 IAC 2-10-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Department of Child Services; 465 IAC 2-10-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-5) to the Department of Child Services (465 IAC 2-10-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-6 "Communicable disease" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Department of Child Services; 465 IAC 2-10-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-6) to the Department of Child Services (465 IAC 2-10-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-7 "Confinement room" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Department of Child Services; 465 IAC 2-10-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-7) to the Department of Child Services (465 IAC 2-10-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-8 "Corporal punishment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Department of Child Services; 465 IAC 2-10-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-8) to the Department of Child Services (465 IAC 2-10-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-9 "Emergency shelter" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:

(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and

(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Department of Child Services; 465 IAC 2-10-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-9) to the Department of Child Services (465 IAC 2-10-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-10 "Food service" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Department of Child Services; 465 IAC 2-10-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-10) to the Department of Child Services (465 IAC 2-10-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-11 "FPBSC" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Department of Child Services; 465 IAC 2-10-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-11) to the Department of Child Services (465 IAC 2-10-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-12 "Governing body" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Department of Child Services; 465 IAC 2-10-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division*

of Family Resources (470 IAC 3-12-12) to the Department of Child Services (465 IAC 2-10-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-13 "Group home" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Department of Child Services; 465 IAC 2-10-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-13) to the Department of Child Services (465 IAC 2-10-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-14 "Institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in this rule or 470 IAC 3-11 shall preclude an institution caring for ten (10) or less children from being licensed under this rule or 470 IAC 3-11. *(Department of Child Services; 465 IAC 2-10-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-14) to the Department of Child Services (465 IAC 2-10-14) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-15 "License" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Department of Child Services; 465 IAC 2-10-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-15) to the Department of Child Services (465 IAC 2-10-15) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-16 "Living unit" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Department of Child Services; 465 IAC 2-10-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-16) to the Department of Child Services (465 IAC 2-10-16) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-17 "Mechanical restraints" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Department of Child Services; 465 IAC 2-10-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-17) to the Department of Child Services (465 IAC 2-10-17) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-18 "Needs assessment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Department of Child Services; 465 IAC 2-10-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-18) to the Department of Child Services (465 IAC 2-10-18) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-19 "Parent agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Department of Child Services; 465 IAC 2-10-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-19) to the Department of Child Services (465 IAC 2-10-19) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-20 "Placing agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Department of Child Services; 465 IAC 2-10-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-20) to the Department of Child Services (465 IAC 2-10-20) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-21 "Placing parent or guardian" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Department of Child Services; 465 IAC 2-10-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-21) to the Department of Child Services (465 IAC 2-10-21) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-22 "Private secure facility" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit within an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Department of Child Services; 465 IAC 2-10-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-22) to the Department of Child Services (465 IAC 2-10-22) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-23 "Program director" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Department of Child Services; 465 IAC 2-10-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-23) to the Department of Child Services (465 IAC 2-10-23) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-24 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Department of Child Services; 465 IAC 2-10-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-24) to the Department of Child Services (465 IAC 2-10-24) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-25 "Psychotropic medication" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Department of Child Services; 465 IAC 2-10-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division*

of Family Resources (470 IAC 3-12-25) to the Department of Child Services (465 IAC 2-10-25) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-26 "SBH" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Department of Child Services; 465 IAC 2-10-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-26) to the Department of Child Services (465 IAC 2-10-26) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-27 "SDPW" or "department" defined

Authority: IC 31-27-2-4
Affected: IC 31-25-1-1; IC 31-27-3

Sec. 27. As used in this rule, "SDPW" or "department" means the department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-10-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-27) to the Department of Child Services (465 IAC 2-10-27) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-28 "SFM" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Department of Child Services; 465 IAC 2-10-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-28) to the Department of Child Services (465 IAC 2-10-28) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-29 "Staff development" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Department of Child Services; 465 IAC 2-10-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-29) to the Department of Child Services (465 IAC 2-10-29) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-30 "Treatment plan" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Department of Child Services; 465 IAC 2-10-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-30) to the Department of Child Services (465 IAC 2-10-30) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-31 "Variance" defined

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. No variance shall be granted from the conditions listed in sections 58 and 59 of this rule. *(Department of Child Services; 465 IAC 2-10-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-31) to the Department of Child Services (465 IAC 2-10-31) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-32 "Waiver" defined

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. No waiver shall be granted from the conditions listed in sections 58 and 59 of this rule. *(Department of Child Services; 465 IAC 2-10-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-32) to the Department of Child Services (465 IAC 2-10-32) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The licensee shall submit a separate application for each license required.

(b) An application for a license to operate an emergency shelter care institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(c) An application for renewal of licensure shall be submitted annually to the SDPW by an emergency shelter care institution which wishes to have its license renewed.

(d) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(e) A child caring institution shall not care for children under the age of six (6) years.

(f) The license shall be posted in a conspicuous place in the child caring institution. *(Department of Child Services; 465 IAC 2-10-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-33) to the Department of Child Services (465 IAC 2-10-33) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:
(1) the name of the licensee changes;
(2) the type of child caring institution changes;
(3) the address of the child caring institution changes; or
(4) the capacity, age range, or gender of children served changes.
(b) A license shall be terminated whenever the child caring institution closes. *(Department of Child Services; 465 IAC 2-10-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-34) to the Department of Child Services (465 IAC 2-10-34) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:
(1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.
(2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.
(b) The SDPW shall review the written request based on but not limited to the following:
(1) On-site review, if applicable.
(2) Written documentation.
(3) Review of the requests by SDPW field consultants and administration.
(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.
(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.
(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. *(Department of Child Services; 465 IAC 2-10-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-35) to the Department of Child Services (465 IAC 2-10-35) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-36 Reporting requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:

(1) A fire on the premises of the child caring institution.
(2) A death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.

(Department of Child Services; 465 IAC 2-10-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-36) to the Department of Child Services (465 IAC 2-10-36) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information for the following:
(A) For new construction and maintenance of building.
(B) For operation of the child caring institution and child care program.
(C) Regarding sources of income and fundraising methods.
(7) Program design for the children as follows:
(A) Emotional and social development.
(B) Education.
(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
(b) The child caring institution shall operate in accordance with the written plan of operation. *(Department of Child Services; 465 IAC 2-10-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-37) to the Department of Child Services (465 IAC 2-10-37) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-38 Governing body

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Department of Child Services; 465 IAC 2-10-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-38) to the Department of Child Services (465 IAC 2-10-38) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.
(5) Fixed expenses.
(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.
(2) Worker's compensation.
(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. *(Department of Child Services; 465 IAC 2-10-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-39) to the Department of Child Services (465 IAC 2-10-39) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing. These policies shall clearly define categories of children which will not be accepted into care.

(b) The child caring institution shall have and make written notation of the following information at the time of admission:

(1) The information required under section 46(a)(1) through 46(a)(10) of this rule.
(2) The name and twenty-four (24) hour contact telephone number of the placing agency worker or parent or guardian.
(3) Indication of whether the parent or guardian has been notified.

(4) Identification of the family or other persons who may have contact with the child, the permitted means of contact, and any restrictions upon contacts.

(5) Any known medical problem including allergies, special dietary needs, or medication the child is taking.

(6) Release for emergency treatment signed by the placing agency, parent, guardian, or custodian.

(c) Within seventy-two (72) hours, or on the next working day of admission, the child caring institution shall have the following information:

(1) Any available health records, including immunization history.

(2) Release of information form signed by the placing agency, the parent or guardian for release of school records, and any existing psychological or psychiatric evaluations.

(d) When a child is unaccompanied by a placing agency or parent at the time of admission, the child caring institution shall attempt to get the information required under subsection (b) but shall not deny admission to a child solely on the inability to document this information.

(e) The child caring institution shall document efforts to notify the parent, guardian, or placing agency as applicable of the admission of the child within twenty-four (24) hours of the child's admission, if possible. If the parent cannot be located, the shelter shall notify the local child protection service within twenty-four (24) hours. *(Department of Child Services; 465 IAC 2-10-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-40) to the Department of Child Services (465 IAC 2-10-40) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews, if applicable.

(3) Financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Department of Child Services; 465 IAC 2-10-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-41) to the Department of Child Services (465 IAC 2-10-41) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually. *(Department of Child Services; 465 IAC 2-10-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02*

p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-42) to the Department of Child Services (465 IAC 2-10-42) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.

(Department of Child Services; 465 IAC 2-10-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-43) to the Department of Child Services (465 IAC 2-10-43) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(Department of Child Services; 465 IAC 2-10-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-44) to the Department of Child Services (465 IAC 2-10-44) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.

(3) Documentation of reference with an evaluation of the following:
(A) Ability, character, and suitability for working with children.
(B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Department of Child Services; 465 IAC 2-10-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-45) to the Department of Child Services (465 IAC 2-10-45) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Documentation of any discipline of a child which results in an injury.
(15) School report, including teachers' evaluation of child's progress.
(16) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(17) Discharge information required under section 67 of this rule.
(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.
(c) Staff entries in case records shall be dated and signed.
(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required by subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(17). *(Department of Child Services; 465 IAC 2-10-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-46) to the Department of Child Services (465 IAC 2-10-46) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position

under the previous rule 470 IAC 3-3 *[470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.]*, is exempted from this rule. *(Department of Child Services; 465 IAC 2-10-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-47) to the Department of Child Services (465 IAC 2-10-47) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-48 Administrative and supervisory personnel

Authority: IC 31-27-2-4
Affected: IC 31-27-3

Sec. 48. (a) The child-caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the department.

(c) When nondirect care functions have been approved by the department and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and have a master's degree or higher from an accredited school in:

(1) social work;

(2) counseling; or

(3) a related human service area of study.

(e) The administrator shall also meet one (1) of the following requirements:

(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.

(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:

(A) A clinical social worker.

(B) A marriage and family therapist.

(C) A mental health counselor.

(D) A social worker with a master's degree.

(E) A related field as determined by the department.

(f) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in a child welfare agency or therapeutic setting that serves children. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsections (d) and (e) rather than the qualification set forth in subsection (h).

(g) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(h) The program director shall have one (1) of the following:

(1) A master's degree in social work, counseling, or a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus four (4) years of experience in a professional capacity in a child welfare agency or therapeutic setting that serves children.

(i) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school, plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(j) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child-caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child-caring institution.

(3) A high school diploma and four (4) years of work experience in a child-caring institution.

(k) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-10-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-48) to the Department of Child Services (465 IAC 2-10-48) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-49 Professional personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every twenty-four (24) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers. *(Department of Child Services; 465 IAC 2-10-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-49) to the Department of Child Services (465 IAC 2-10-49) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-50 Direct care personnel; child-staff ratios

Authority: IC 31-27-2-4
Affected: IC 31-27-3

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

(1) be at least twenty-one (21) years of age; and

(2) have at least a high school or equivalency diploma.

(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios.

(c) While children are awake or asleep, the direct care worker to child ratio shall be determined and approved by the department based on the needs of the children being served. The approved ratio shall range between 1:4 to 1:8.

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every four (4) children, whether the children are awake or asleep.

(e) When one (1) employee is supervising a group of children, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities.

(g) The institution shall maintain a ratio of supervisors to direct care workers that ranges between 1:4 to 1:8.

(h) To be considered in the staffing ratios, the staff must be awake. Any institution who is approved prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-10-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-50) to the Department of Child Services (465 IAC 2-10-50) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Department of Child Services; 465 IAC 2-10-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-51) to the Department of Child Services (465 IAC 2-10-51) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Department of Child Services; 465 IAC 2-10-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-52) to the Department of Child Services (465 IAC 2-10-52) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Department of Child Services; 465 IAC 2-10-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-53) to the Department of Child Services (465 IAC 2-10-53) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of

all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.

(2) Principles and practices of child care.

(3) Family relationships and the impact of separation.

(4) Behavior management techniques.

(5) Emergency and safety procedures.

(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section.

(f) In addition to the training required under subsections (a) through (e), the child caring institution shall provide all staff having direct contact with the children with training in the following:

(1) An understanding of the nature of a crisis.

(2) Specific techniques for dealing with suicidal children.

(3) Verbal deescalation and therapeutic physical restraint techniques, if they are utilized.

(Department of Child Services; 465 IAC 2-10-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-54) to the Department of Child Services (465 IAC 2-10-54) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Department of Child Services; 465 IAC 2-10-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-55) to the Department of Child Services (465 IAC 2-10-55) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Department of Child Services; 465 IAC 2-10-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-56) to the Department of Child Services (465 IAC 2-10-56) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-57 Discipline and guidance

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:
(1) have a written discipline policy; and
(2) make the policy available to:
(A) placement agencies;
(B) staff;
(C) parents; and
(D) children in care.
(b) Discipline and guidance shall be as follows:
(1) Consistent.
(2) Based on an understanding of individual needs and development.
(3) Promote self-discipline and acceptable social behavior.
(c) Children shall be treated kindly and humanely at all times.
(d) The administrator shall not use or permit any person to use any of the following:
(1) Cruel, harsh, or unusual punishment.
(2) Treatment that is mentally, physically, or emotionally abusive or neglectful.
(3) Any humiliating or frightening method to control the actions of any child or group of children.
(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
(f) The child caring institution shall prohibit, as a method of discipline, the following:
(1) Confinement to a locked or dark room.
(2) Use of mechanical restraints.
(3) Undue confinement to bed.
(4) Deprivation of meals or snacks.
(5) Inappropriate assignment of work.
(6) Group discipline for an offense by an individual child.
(7) Any child or group of children punishing another child.
(8) Deprivation of visits or contact with:
(A) parents;
(B) guardian ad litem;
(C) court appointed special advocate; or
(D) placing worker.

(Department of Child Services; 465 IAC 2-10-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from

the Division of Family Resources (470 IAC 3-12-57) to the Department of Child Services (465 IAC 2-10-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-58 Confinement rooms

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child:

(1) is in danger of harming himself or herself or others; and

(2) has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

(1) A definition of the circumstances that justify the use of confinement.

(2) A maximum time period for each episode of confinement not to exceed:

(A) fifteen (15) minutes for a child less than ten (10) years of age; or

(B) one (1) hour for a child ten (10) years of age and over.

(3) Record keeping of each confinement episode as noted in subsection (h).

(4) A clear designation of persons who have authority to approve the confinement period.

(5) Directions for removal of all dangerous items from the child, such as:

(A) belts;

(B) shoelaces;

(C) jewelry;

(D) items in pockets;

(E) matches; and

(F) any other items;

that represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) An awake staff member trained in emergency interventions shall continuously maintain direct observation of the child during the confinement to assess the child's physical and emotional well-being.

(g) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the following:

(1) The therapeutic value of each confinement episode.

(2) Safety considerations.

(3) Appropriate utilization of confinement.

(4) Adherence to the general policy of confinement as established under subsection (d).

(h) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

(1) The circumstances leading to confinement.

(2) The period of time a child was confined.

(3) The name of the staff person monitoring the child's confinement.

(4) Behavioral observations of the child.

(i) Notation of each confinement shall be placed in the individual case record of the child.

(j) Confinement rooms shall be constructed and maintained in the following manner:

(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.

(2) Equipped and sized for therapeutic use with at least:

(A) thirty-six (36) feet of floor space; and
(B) eight (8) feet high ceilings.
(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.
(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.
(5) No functional electrical outlets are located in the room.
(6) A window is provided to allow for a visual check of the child without entering the room.
(7) Windows are secured and protected so as to prevent harm to the occupant.
(8) Ceiling lights are provided, protected, and recessed.
(9) The room is heated, cooled, and ventilated as required under 675 IAC.
(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.
(Department of Child Services; 465 IAC 2-10-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1992; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-58) to the Department of Child Services (465 IAC 2-10-58) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-59 Physical restraints

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 59. (a) Physical restraint shall be used only if:
(1) the child is a clear and present danger to himself or herself or others; and
(2) therapeutic crisis intervention techniques:
(A) have been attempted and failed; or
(B) are diagnostically eliminated prior to use.
Under no circumstances shall mechanical restraints be utilized to control a child's behavior.
(b) An awake staff member uninvolved in the restraint and trained in emergency interventions shall maintain visual contact of the child continuously during the restraint.
(c) If an institution uses physical restraints, the institution shall develop policies and procedures on their usage that include the following:
(1) A description of the types of physical restraints used.
(2) The criteria for use.
(3) Staff authorized to approve use.
(4) Staff authorized and trained to apply restraints.
(5) Procedures for application.
(6) Staff training requirements.
(7) Time limitations on use.
(8) Monitoring requirements while child is in restraints.
(d) Documentation of physical restraint training shall be in each employee's personnel record.
(e) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.
(f) A record shall be maintained of each incident of physical restraint and placed in the child's record that includes the following information:
(1) The date and time of the incident.
(2) The name of the child.
(3) The form of restraint used.
(4) The length of time in restraint.
(5) The name and title of the person who authorized use of restraint.
(6) The name and title of the person applying the restraint.

(7) The name of the person responsible for monitoring the child while in restraints.

(8) A description of the child's behavior prior to, during, and after use of restraints.

(9) A treatment team assessment of the effectiveness of the restraint and future alternatives.

(Department of Child Services; 465 IAC 2-10-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-59) to the Department of Child Services (465 IAC 2-10-59) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-60 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall work with the placing agency, parent, or guardian to ensure that the child's education plan is in compliance with the Indiana school attendance laws.

(e) The child caring institution shall have and follow a written plan for meeting the educational needs of children who are unable to attend public school. *(Department of Child Services; 465 IAC 2-10-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-60) to the Department of Child Services (465 IAC 2-10-60) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-61 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed to parents and the placing agency. *(Department of Child Services; 465 IAC 2-10-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-61) to the Department of Child Services (465 IAC 2-10-61) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-62 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Department*

of Child Services; 465 IAC 2-10-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-62) to the Department of Child Services (465 IAC 2-10-62) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-63 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Department of Child Services; 465 IAC 2-10-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-63) to the Department of Child Services (465 IAC 2-10-63) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-64 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Department of Child Services; 465 IAC 2-10-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-64) to the Department of Child Services (465 IAC 2-10-64) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-65 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Department of Child Services; 465 IAC 2-10-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-65) to the Department of Child Services (465 IAC 2-10-65) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-66 Care plan; program; medical services

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) An institution which is licensed for more than ten (10) children and which provides a long term treatment program in addition to shelter care services shall provide a separate living unit for the shelter care service. Institutions in operation on the effective date of this rule shall have three (3) years to comply with the rule for a separate living unit; however, new institutions which plan to provide shelter care service shall comply prior to initial licensure.

(b) The child caring institution shall not maintain any child in shelter care service for longer than sixty (60) days.

(c) After sixty (60) days, a child shall be transferred to the child caring institution's long term program or be removed from the shelter care service if the child caring institution does not provide a long term program.

(d) The child caring institution shall assess each child's situation within twenty-four (24) hours or on the next working day of admission and shall develop a written care plan. The plan shall be developed in conjunction with the placing agency or with the parents or guardian.

(e) The written care plan shall include the following:

(1) An assessment of the immediate needs of the child and family and the plan for meeting those needs.

(2) A written plan which states how the children will be supervised during the children's sleeping hours.

(3) The plan for visitation and telephone contact with family or significant others.

(4) The plan for education as defined in section 60 of this rule.

(5) The anticipated length of stay.

(6) Any known court dates.

(7) Any changes in the care plan and recorded observations made by direct care workers.

(f) Medical services shall be provided as follows:

(1) At the time of admission, a health evaluation checklist furnished by the SBH shall be utilized by the child caring institution to determine obvious health problems of the child.

(2) Any child suspected of being physically or sexually abused and who has not received medical attention shall receive a physical examination and communicable disease determination by a licensed physician immediately.

(3) Any child suspected of having a communicable disease or chronic disease that needs constant therapy shall receive a physical examination by a licensed physician within forty-eight (48) hours of admission to the child caring institution.

(4) All other children shall have a physical examination and communicable disease determination by a licensed physician or nurse practitioner three (3) months prior to placement or within thirty (30) days after admission.

(5) The child caring institution shall have an agreement with an on-call licensed physician and the ability to arrange for emergency medical and dental examination and treatment.

(Department of Child Services; 465 IAC 2-10-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-66) to the Department of Child Services (465 IAC 2-10-66) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-67 Discharge

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A written summary report of the care received by the child including any recommendations for the child and family.

(2) The date and reasons for discharge.

(3) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) The summary report shall be provided to the placing agency at the time of discharge.

(c) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Department of Child Services; 465 IAC 2-10-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-67) to the Department of Child Services (465 IAC 2-10-67) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-68 Services to families

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain on going contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the care plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Department of Child Services; 465 IAC 2-10-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-68) to the Department of Child Services (465 IAC 2-10-68) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-69 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Department of Child Services; 465 IAC 2-10-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-69) to the Department of Child Services (465 IAC 2-10-69) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-70 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Department of Child Services; 465 IAC 2-10-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources*

(470 IAC 3-12-70) to the Department of Child Services (465 IAC 2-10-70) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-71 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.

(2) Seizures.

(3) Hemorrhaging.

(4) Artificial respiration.

(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.

(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The "Red Cross First Aid Manual" or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff.

(Department of Child Services; 465 IAC 2-10-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-71) to the Department of Child Services (465 IAC 2-10-71) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-72 Medication; disbursement, application

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, date filled, physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Department of Child Services; 465 IAC 2-10-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-72) to the Department of Child Services (465 IAC 2-10-72) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-73 Psychotropic medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the care plan. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days.

(Department of Child Services; 465 IAC 2-10-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-73) to the Department of Child Services (465 IAC 2-10-73) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-74 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication".

(Department of Child Services; 465 IAC 2-10-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-74) to the Department of Child Services (465 IAC 2-10-74) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-75 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Department of Child Services; 465 IAC 2-10-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-75) to the Department of Child Services (465 IAC 2-10-75) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-76 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]*, food service sanitation requirements, as adopted on November 3, 1983, and any successive changes.

(k) The institution shall keep a copy of 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]* in the kitchen at all times for reference.

(l) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(m) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(n) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(o) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(p) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(q) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (j) through (p):

(1) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(2) The kitchen shall be equipped with the following:

(A) A stove.

(B) A refrigerator.

(C) Closed cabinets for food and utensil storage.

(D) A two (2) compartment sink and an automatic dishwasher, or a three (3) compartment sink.

(E) Light and ventilation.

(F) Walls and ceilings that are smooth and easily washed.

(G) Counter surfaces that are smooth and free of cracks and seams.

(Department of Child Services; 465 IAC 2-10-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-76) to the Department of Child Services (465 IAC 2-10-76) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-77 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Department of Child Services; 465 IAC 2-10-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-77) to the Department of Child Services (465 IAC 2-10-77) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-78 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(b) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well-ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(g) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(h) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Department of Child Services; 465 IAC 2-10-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-78) to the Department of Child Services (465 IAC 2-10-78) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-79 Maintenance and safety

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Department of Child Services; 465 IAC 2-10-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-79) to the Department of Child Services (465 IAC 2-10-79) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-80 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Department of Child Services; 465 IAC 2-10-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2000; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-80) to the Department of Child Services (465 IAC 2-10-80) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-81 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Department of Child Services; 465 IAC 2-10-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2000; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-81) to the Department of Child Services (465 IAC 2-10-81) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-82 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Department of Child Services; 465 IAC 2-10-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-82) to the Department of Child Services (465 IAC 2-10-82) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-83 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Department of Child Services; 465 IAC 2-10-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-83) to the Department of Child Services (465 IAC 2-10-83) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-84 Fire prevention and building safety plan, design, and construction

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. *(Department of Child Services;*

465 IAC 2-10-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-84) to the Department of Child Services (465 IAC 2-10-84) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-85 Heat, light, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters, shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(Department of Child Services; 465 IAC 2-10-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-85) to the Department of Child Services (465 IAC 2-10-85) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-10-86 Electrical equipment, plumbing, and combustible materials

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 86. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. *(Department of Child Services; 465 IAC 2-10-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-86) to the Department of Child Services (465 IAC 2-10-86) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-87 Halls, windows, doors, and exits

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 87. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. *(Department of Child Services; 465 IAC 2-10-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2002; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-87) to the Department of Child Services (465 IAC 2-10-87) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-10-88 Safety equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 88. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. *(Department of Child Services; 465 IAC 2-10-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2002; errata filed Jul 1, 1991, 11:00 a.m.: 14 IR 2066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-88) to the Department of Child Services (465 IAC 2-10-88) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 11. Private Secure Facilities

465 IAC 2-11-1 Applicability

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all institutions licensed by the SDPW as private secure facilities.

(b) Group homes shall not be licensed as private secure facilities.

(c) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

(1) A license to operate an institution under 470 IAC 3-11.

(2) A license to operate an emergency shelter care under 470 IAC 3-12.

(3) A license to operate an institution under 470 IAC 3-11 and a license to operate an emergency shelter care under 470 IAC 3-12.

(4) A license to operate an institution under 470 IAC 3-11 and a license to operate a private secure facility under this rule.

(5) A license to operate an institution under 470 IAC 3-11, a license to operate an emergency shelter care under 470 IAC 3-12, and a license to operate a private secure facility under this rule.

(Department of Child Services; 465 IAC 2-11-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-1) to the Department of Child Services (465 IAC 2-11-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-2 "Administrator" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Department of Child Services; 465 IAC 2-11-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-2) to the Department of Child Services (465 IAC 2-11-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-3 "Admission" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Department of Child Services; 465 IAC 2-11-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-3) to the Department of Child Services (465 IAC 2-11-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-4 "Application" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Department of Child Services; 465 IAC 2-11-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40*

p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-4) to the Department of Child Services (465 IAC 2-11-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Department of Child Services; 465 IAC 2-11-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-5) to the Department of Child Services (465 IAC 2-11-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-6 "Communicable disease" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Department of Child Services; 465 IAC 2-11-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-6) to the Department of Child Services (465 IAC 2-11-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-7 "Confinement room" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Department of Child Services; 465 IAC 2-11-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-7) to the Department of Child Services (465 IAC 2-11-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-8 "Corporal punishment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Department of Child Services; 465 IAC 2-11-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA)*

NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-8) to the Department of Child Services (465 IAC 2-11-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-9 "Emergency shelter" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:

(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and

(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Department of Child Services; 465 IAC 2-11-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-9) to the Department of Child Services (465 IAC 2-11-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-10 "Food service" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Department of Child Services; 465 IAC 2-11-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-10) to the Department of Child Services (465 IAC 2-11-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-11 "FPBSC" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Department of Child Services; 465 IAC 2-11-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-11) to the Department of Child Services (465 IAC 2-11-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-12 "Governing body" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Department of Child Services; 465 IAC 2-11-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-12) to the Department of Child Services (465 IAC 2-11-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-13 "Group home" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Department of Child Services; 465 IAC 2-11-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-13) to the Department of Child Services (465 IAC 2-11-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-14 "Institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. *(Department of Child Services; 465 IAC 2-11-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-14) to the Department of Child Services (465 IAC 2-11-14) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-15 "License" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Department of Child Services; 465 IAC 2-11-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-15) to the Department of Child Services (465 IAC 2-11-15) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-16 "Living unit" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Department of Child Services; 465 IAC 2-11-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-16) to the Department of Child Services (465 IAC 2-11-16) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-17 "Mechanical restraints" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Department of Child Services; 465 IAC 2-11-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-17) to the Department of Child Services (465 IAC 2-11-17) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-18 "Needs assessment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Department of Child Services; 465 IAC 2-11-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-18) to the Department of Child Services (465 IAC 2-11-18) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-19 "Parent agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Department of Child Services; 465 IAC 2-11-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-19) to the Department of Child Services (465 IAC 2-11-19) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-20 "Placing agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Department of Child Services; 465 IAC 2-11-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-20) to the Department of Child Services (465 IAC 2-11-20) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-21 "Placing parent or guardian" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Department of Child Services; 465 IAC 2-11-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-*

IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-21) to the Department of Child Services (465 IAC 2-11-21) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-22 "Private secure facility" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Department of Child Services; 465 IAC 2-11-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-22) to the Department of Child Services (465 IAC 2-11-22) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-23 "Program director" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Department of Child Services; 465 IAC 2-11-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-23) to the Department of Child Services (465 IAC 2-11-23) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-24 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Department of Child Services; 465 IAC 2-11-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-24) to the Department of Child Services (465 IAC 2-11-24) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-25 "Psychotropic medication" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Department of Child Services; 465 IAC 2-11-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-25) to the Department of Child Services (465 IAC 2-11-25) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-26 "SBH" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Department of Child Services; 465 IAC 2-11-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-26) to the Department of Child Services (465 IAC 2-11-26) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-27 "SDPW" or "department" defined
Authority: IC 31-27-2-4
Affected: IC 31-25-1-1; IC 31-27-3

Sec. 27. As used in this rule, "SDPW" or "department" means the department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-11-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-27) to the Department of Child Services (465 IAC 2-11-27) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-28 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Department of Child Services; 465 IAC 2-11-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-28) to the Department of Child Services (465 IAC 2-11-28) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-29 "Staff development" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Department of Child Services; 465 IAC 2-11-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-29) to the Department of Child Services (465 IAC 2-11-29) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-30 "Treatment plan" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family.

(Department of Child Services; 465 IAC 2-11-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-30) to the Department of Child Services (465 IAC 2-11-30) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-31 "Variance" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Department of Child Services; 465 IAC 2-11-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-31) to the Department of Child Services (465 IAC 2-11-31) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-32 "Waiver" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Department of Child Services; 465 IAC 2-11-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-32) to the Department of Child Services (465 IAC 2-11-32) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The institution shall submit a separate application for each license required.

(b) An institution shall meet all of the following conditions prior to being licensed as a private secure facility:

(1) The institution shall have been licensed for five (5) consecutive years as an institution and shall have provided a continuum of care or a full program of long term residential treatment during this same five (5) year period.

(2) Institutions whose primary placement program and care plan is short term, twenty-four (24) hour temporary care for not more than sixty (60) consecutive days to an individual child do not qualify as meeting the requirements of providing a continuum of care or a full program of long term residential treatment.

(c) The maximum client capacity of a private secure facility shall be fifteen (15) per living unit.

(d) An application for a license to operate a private secure facility shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(e) An application for renewal of licensure shall be submitted annually to the SDPW by a private secure facility which wishes to have its license renewed.

(f) A newly licensed private secure facility shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(g) A private secure facility shall not care for children under the age of six (6) years of age.

(h) The license shall be posted in a conspicuous place in the private secure facility. *(Department of Child Services; 465 IAC 2-11-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-33) to the Department of Child Services (465 IAC 2-11-33) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:
(1) the name of the licensee changes;
(2) the type of child caring institution changes;
(3) the address of the child caring institution changes; or
(4) the capacity, age range, or gender of children served changes.
(b) A license shall be terminated whenever the child caring institution closes. *(Department of Child Services; 465 IAC 2-11-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-34) to the Department of Child Services (465 IAC 2-11-34) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. A waiver or variance granted in conjunction with a license issued under 470 IAC 3-11, 470 IAC 3-12, 470 IAC 3-14, or 470 IAC 3-15 shall not constitute a waiver or variance for this rule. *(Department of Child Services; 465 IAC 2-11-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-35) to the Department of Child Services (465 IAC 2-11-35) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-36 Reporting requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(Department of Child Services; 465 IAC 2-11-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-36) to the Department of Child Services (465 IAC 2-11-36) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information regarding the following:
(A) New construction and maintenance of building.
(B) Operation of the child caring institution and child care program.
(C) Sources of income and fundraising methods.
(7) Program design for the children as follows:
(A) Emotional and social development.
(B) Education.
(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.

(b) The child caring institution shall operate in accordance with the written plan of operation. *(Department of Child Services; 465 IAC 2-11-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-37) to the Department of Child Services (465 IAC 2-11-37) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-38 Governing body

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) At least one (1) member of the governing body shall be knowledgeable or be responsible for the private secure facility.

(c) The administrator of the institution shall submit a written report to the governing body on all aspects of the private secure facility at least quarterly.

(d) Members of the governing body shall be permitted to visit the private secure facility and to speak to any employee or child in care.

(e) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Department of Child Services; 465 IAC 2-11-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-38) to the Department of Child*

Services (465 IAC 2-11-38) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document evidence of these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.
(5) Fixed expenses.
(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.
(2) Worker's compensation.
(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. *(Department of Child Services; 465 IAC 2-11-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-39) to the Department of Child Services (465 IAC 2-11-39) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Children admitted to a private secure facility shall:

(1) be six (6) years of age or older; and
(2) exhibit chronic behaviors that endanger themselves or others.

(b) Admission policies shall be clearly defined and stated in writing.

(c) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. *(Department of Child Services; 465 IAC 2-11-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-40) to the Department of Child Services (465 IAC 2-11-40) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews.

(3) Financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Department of Child Services; 465 IAC 2-11-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-41) to the Department of Child Services (465 IAC 2-11-41) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.

(Department of Child Services; 465 IAC 2-11-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-42) to the Department of Child Services (465 IAC 2-11-42) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.

(Department of Child Services; 465 IAC 2-11-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-43) to the Department of Child Services (465 IAC 2-11-43) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.
(b) The record shall include the following information prior to employment:
(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.
(c) The record shall include the following information after employment:
(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(Department of Child Services; 465 IAC 2-11-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-44) to the Department of Child Services (465 IAC 2-11-44) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:
(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
(A) Ability, character, and suitability for working with children.
(B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Department of Child Services; 465 IAC 2-11-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-45) to the Department of Child Services (465 IAC 2-11-45) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.

(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Initial assessment of child and family and resulting treatment plan.
(15) Written quarterly progress reports and six (6) month treatment plan revisions.
(16) Documentation of efforts to provide services to the child's family.
(17) Documentation of any discipline of a child which results in an injury.
(18) School report, including teachers' evaluation of child's progress.
(19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(20) Discharge information required under section 67 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required under subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20). *(Department of Child Services; 465 IAC 2-11-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-46) to the Department of Child Services (465 IAC 2-11-46) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. (a) All prospective employees or current institution employees shall complete a separate application for employment prior to working in the private secure facility.

(b) The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. *(Department of Child Services; 465 IAC 2-11-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2010; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-47) to the Department of Child Services (465 IAC 2-11-47) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-48 Administrative and supervisory personnel

Authority: IC 31-27-2-4
Affected: IC 31-27-3

Sec. 48. (a) The child-caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the department.

(c) When nondirect care functions have been approved by the department and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and have a master's degree or higher from an accredited school in:

(1) social work;

(2) counseling; or

(3) a related human service area of study.

(e) The administrator shall also meet one (1) of the following requirements:

(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.

(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:

(A) A clinical social worker.

(B) A marriage and family therapist.

(C) A mental health counselor.

(D) A social worker with a master's degree.

(E) A related field as determined by the department.

(f) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in a child welfare agency or therapeutic setting that serves children. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsections (d) and (e) rather than the qualification set forth in subsection (h).

(g) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(h) The program director shall have one (1) of the following:

(1) A master's degree in social work, counseling, or a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus four (4) years of experience in a professional capacity in a child welfare agency or therapeutic setting that serves children.

(i) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school, plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(j) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child-caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child-caring institution.

(3) A high school diploma and four (4) years of work experience in a child-caring institution.

(k) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-11-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2010; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-48) to the Department of Child Services (465 IAC 2-11-48) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-49 Professional personnel

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology,

counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every fifteen (15) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers. *(Department of Child Services; 465 IAC 2-11-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-49) to the Department of Child Services (465 IAC 2-11-49) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-50 Direct care personnel; child-staff ratios

Authority: IC 31-27-2-4
Affected: IC 31-27-3

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

(1) be at least twenty-one (21) years of age; and

(2) have at least a high school or equivalency diploma.

(b) A secure private facility shall have four (4) children to one (1) staff member or any fraction thereof for the direct care and supervision of children during waking hours when children are present.

(c) A secure private facility shall have two (2) awake staff at night for the direct supervision of children during sleeping hours.

(d) The secure private facility shall have at least two (2) direct care workers whenever one (1) or more children is present.

(e) The institution shall have a written plan and a telephone available for direct service workers to summon another staff member in case of an emergency without leaving the unit and without leaving another unit unattended.

(f) The institution shall have sufficient caseworkers for the unit to meet the counseling requirements of individual, group, or family counseling sessions for each child in care.

(g) These child-staff ratios shall be maintained at group off-grounds activities.

(h) Staff members responsible for the daily care and supervision of the children in the secure private facility shall have no responsibilities in addition to child-care related activities when children are present. Children of staff members shall not be allowed to reside in the private secure unit.

(i) The institution shall maintain a ratio of supervisors to direct care workers that ranges between 1:4 to 1:8.

(j) To be considered in the staffing ratios, the staff must be awake. *(Department of Child Services; 465 IAC 2-11-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-50) to the Department of Child Services (465 IAC 2-11-50) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct

care staff. *(Department of Child Services; 465 IAC 2-11-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-51) to the Department of Child Services (465 IAC 2-11-51) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Department of Child Services; 465 IAC 2-11-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-52) to the Department of Child Services (465 IAC 2-11-52) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Department of Child Services; 465 IAC 2-11-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-53) to the Department of Child Services (465 IAC 2-11-53) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The institution shall provide all employees planned job orientation prior to assignment to the secure private facility.

(b) Staff development programs for secure private facility employees shall include, but not be limited to, the following:

(1) Civil commitment proceedings.

(2) Crisis management techniques.

(3) Specific techniques for dealing with suicidal children.

(4) Fire and safety emergency procedures.

(5) Verbal deescalation and therapeutic physical restraint techniques, with review and practice sessions required every six (6) months.

(c) The child caring institution shall document that each staff member working directly with children receives training in the areas required under subsection (b), as well as the following areas:

(1) Administrative procedures and overall program goals.

(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(d) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. *(Department of Child Services; 465 IAC 2-11-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-54) to the Department of Child Services (465 IAC 2-11-54) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Department of Child Services; 465 IAC 2-11-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-55) to the Department of Child Services (465 IAC 2-11-55) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The institution may temporarily remove a child's personal items if these items could be used by the child to endanger or injure himself/herself or others and if the need to take this action has been identified in the treatment plan.

(g) The decision to temporarily remove a child's personal items shall be reviewed at least daily by the staff members responsible for the daily direct care and supervision of the child and by the caseworker and at least weekly by the total treatment

team as provided under section 66 of this rule.

(h) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Department of Child Services; 465 IAC 2-11-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-56) to the Department of Child Services (465 IAC 2-11-56) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-57 Discipline and guidance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of mechanical restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.

(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker. *(Department of Child Services; 465 IAC 2-11-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-57) to the Department of Child Services (465 IAC 2-11-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-58 Confinement rooms

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child is in danger of harming himself or herself or others and has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

(1) Definition of the circumstances which justify the use of confinement.

(2) A maximum time period for each episode of confinement not to exceed one (1) hour unless extended as provided for in subsection (f).

(3) Record keeping of each confinement episode as noted in subsection (i).

(4) Clear designation of persons who have authority to approve or extend the confinement period.

(5) Directions for removal of all dangerous items from the child such as belts, shoelaces, jewelry, items in pockets, matches, and any other items which represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.

(g) An awake staff member in the immediate vicinity of the confinement room shall supervise the child at all times and shall make a visual check of the child at least every five (5) minutes.

(h) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the therapeutic value of each confinement episode, safety considerations, appropriate utilization of confinement, and adherence to the general policy of confinement as established under subsection (d).

(i) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

(1) The circumstances leading to confinement.

(2) The period of time a child was confined.

(3) The time of the visual checks.

(4) Behavioral observations of the child.

(5) Specific notation of any extension of confinement including reasons for the extension and by whom approval for extension was given.

(j) Notation of each confinement shall be placed in the individual case record of the child.

(k) Confinement rooms shall be constructed and maintained in the following manner:

(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.

(2) Equipped and sized for therapeutic use with at least thirty-six (36) feet of floor space and eight (8) feet high ceilings.

(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.

(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.

(5) No functional electrical outlets are located in the room.

(6) A window is provided to allow for a visual check of the child without entering the room.

(7) Windows are secured and protected so as to prevent harm to the occupant.

(8) Ceiling lights are provided, protected, and recessed.

(9) The room is heated, cooled, and ventilated as required under 675 IAC.

(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.

(Department of Child Services; 465 IAC 2-11-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-58) to the Department of Child Services (465 IAC 2-11-58) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-59 Mechanical restraints

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) Mechanical restraints shall be used only if the child is a clear and present danger to himself/herself or others and therapeutic crisis intervention techniques have been attempted and failed or are diagnostically eliminated prior to use.

(b) If an institution uses mechanical restraints, the institution shall develop policies and procedures on their usage that

include the following:

(1) Description of the types of mechanical restraints used.

(2) Criteria for use.

(3) Staff authorized to approve use.

(4) Staff authorized and trained to apply restraints.

(5) Procedures for application.

(6) Staff training requirements.

(7) Time limitations on use.

(8) Monitoring requirements while child is in restraints.

(c) Documentation of mechanical restraint training shall be in each employee's personnel record.

(d) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.

(e) A record shall be maintained of each incident of mechanical restraint and placed in the child's record that includes the following information:

(1) Date and time of incident.

(2) Name of child.

(3) Form of restraint used.

(4) Length of time in restraint.

(5) Name and title of person who authorized use of restraint.

(6) Name and title of person applying the restraint.

(7) Name of person responsible for monitoring the child while in restraints.

(8) Description of child's behavior prior to, during, and after use of restraints.

(9) Treatment team assessment of the effectiveness of the restraint and future alternatives.

(Department of Child Services; 465 IAC 2-11-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2014; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-59) to the Department of Child Services (465 IAC 2-11-59) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-60 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 *[511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.]* with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Department of Child Services; 465 IAC 2-11-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-60) to the Department of Child Services (465 IAC 2-11-60) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-61 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Department of Child Services; 465 IAC 2-11-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-61) to the Department of Child Services (465 IAC 2-11-61) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-62 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Department of Child Services; 465 IAC 2-11-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-62) to the Department of Child Services (465 IAC 2-11-62) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-63 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Department of Child Services; 465 IAC 2-11-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-63) to the Department of Child Services (465 IAC 2-11-63) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-64 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Department of Child Services; 465 IAC 2-11-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-64) to the Department of Child Services (465 IAC 2-11-64) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-65 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Department of Child Services; 465 IAC 2-11-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-65) to the Department of Child Services (465 IAC 2-11-65) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-66 Treatment plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) Children placed in a secure private facility shall have an initial written treatment plan within ten (10) working days of admission to the unit.

(b) The treatment plan requirements shall be as follows:

(1) A specific caseworker shall be assigned to each child in the unit.

(2) Individual, group, or family counseling sessions shall be provided to each child at least three (3) times a week with other sessions available as needed.

(3) At least one (1) caseworker or supervisor assigned to the unit shall be on call twenty-four (24) hours a day and be available to provide on-site services as needed.

(c) At least monthly reviews shall be written for each child in care to assess the need for a continued secure program.

(d) A written summary of the monthly reviews shall be sent to the placing agency. The summary shall include the following assessments:

(1) The condition of the child.

(2) The incidents that indicate the child is gravely disabled or dangerous to self and others.

(3) The estimated time that the child needs to remain in the secure private facility.

(4) A review of the medical and physical status of the child by a licensed practical nurse or other appropriately licensed medical professional.

(e) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(f) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(g) The treatment plan shall include an assessment of the following with the child and family:
(1) Needs.
(2) Strengths.
(3) Weaknesses.
(4) Problem areas.
(h) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:
(1) Education.
(2) Daily living activities.
(3) Any specialized recreation.
(4) Any specialized services, such as counseling.
(5) Family involvement and plan for visitation.
(6) The projected length of stay.
(i) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.
(j) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.
(k) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency. *(Department of Child Services; 465 IAC 2-11-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; errata filed Sep 9, 1991, 10:45 a.m.: 15 IR 10; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-66) to the Department of Child Services (465 IAC 2-11-66) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-67 Discharge
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:
(1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.
(2) Recommendations for the child and family following discharge.
(3) The date and reasons for discharge.
(4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.
(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Department of Child Services; 465 IAC 2-11-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-67) to the Department of Child Services (465 IAC 2-11-67) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-68 Services to families
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.
(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services

to the child's family. *(Department of Child Services; 465 IAC 2-11-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-68) to the Department of Child Services (465 IAC 2-11-68) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-69 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Department of Child Services; 465 IAC 2-11-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-69) to the Department of Child Services (465 IAC 2-11-69) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-70 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Department of Child Services; 465 IAC 2-11-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-70) to the Department of Child Services (465 IAC 2-11-70) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-71 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.
(2) Seizures.
(3) Hemorrhaging.
(4) Artificial respiration.
(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.
(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The "Red Cross First Aid Manual" or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. *(Department of Child Services; 465 IAC 2-11-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-71) to the Department of Child Services (465 IAC 2-11-71) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-72 Medication; disbursement, application

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Department of Child Services; 465 IAC 2-11-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-72) to the Department of Child Services (465 IAC 2-11-72) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-73 Psychotropic medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Department of Child Services; 465 IAC 2-11-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-73) to the Department of Child Services (465 IAC 2-11-73) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-74 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Department of Child Services; 465 IAC 2-11-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-74) to the Department of Child Services (465 IAC 2-11-74) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-75 Health requirements for children

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

(1) Health history.

(2) Physical examination.

(3) Vision and hearing screening.

(4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.

(5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.

(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) A health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

(1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.

(e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.

(i) Adequate documentation of an immunization history shall consist of one (1) of the following:

(1) A licensed physician's certificate including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation including the number and dates of doses administered.

(3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed physician certifies in writing that a particular immunization required under this section is detrimental, or may be detrimental, to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer to be detrimental to the child's health.

(k) The child caring institution shall maintain a health record for each child. The record shall include the following:

(1) Admission and periodic health and dental examination information.

(2) A licensed physician's written instructions with regard to special dietary or health care required.

(3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Department of Child Services; 465 IAC 2-11-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-75) to the Department of Child Services (465 IAC 2-11-75) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-76 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees. *(Department of Child Services; 465 IAC 2-11-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2019; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-76) to the Department of Child Services (465 IAC 2-11-76) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-77 Nutrition and food service; menus; vendor service; education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each

child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(8) Snack foods shall be available in the private secure facility.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) All sharp utensils shall be kept locked when not in use by staff. No child shall use or have access to sharp utensils.

(k) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]*, food service sanitations requirements, as adopted November 3, 1983, and any successive changes.

(l) The institution shall keep a copy of 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]* in the kitchen at all times for reference.

(m) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(n) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(o) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(p) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(q) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(r) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (k) through (q):

(1) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(2) The kitchen shall be equipped with the following:

(A) A stove.

(B) A refrigerator.

(C) Closed cabinets for food and utensil storage.

(D) A two (2) compartment sink and an automatic dishwasher, or a three (3) compartment sink.

(E) Light and ventilation.

(F) Walls and ceilings that are smooth and easily washed.

(G) Counter surfaces that are smooth and free of cracks and seams.

(Department of Child Services; 465 IAC 2-11-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2020; readopted filed Jul 12, 2001, 1:40

p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-77) to the Department of Child Services (465 IAC 2-11-77) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-78 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Department of Child Services; 465 IAC 2-11-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2021; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-78) to the Department of Child Services (465 IAC 2-11-78) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-79 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) No more than two (2) children shall occupy a bedroom. If an institution is providing a private secure facility on the effective date of this rule and the same living unit continues to be used as a private secure facility, the institution shall have three (3) years to comply with this subsection.

(b) Bedrooms shall not be used as locked isolation rooms.

(c) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(d) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of each bunk bed. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(e) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(f) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(g) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(h) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well-ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(i) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(j) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Department of Child Services; 465 IAC 2-11-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2021; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-79) to the Department of Child Services (465 IAC 2-11-79) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-80 Maintenance and safety

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following maintenance and safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space, grounds, and equipment of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Department of Child Services; 465 IAC 2-11-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2022; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-80) to the Department of Child Services (465 IAC 2-11-80) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-81 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred

(300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Department of Child Services; 465 IAC 2-11-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2022; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-81) to the Department of Child Services (465 IAC 2-11-81) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-82 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Department of Child Services; 465 IAC 2-11-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-82) to the Department of Child Services (465 IAC 2-11-82) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-83 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Department of Child Services; 465 IAC 2-11-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-83) to the Department of Child Services (465 IAC 2-11-83) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-84 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Department of Child Services; 465 IAC 2-11-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-84) to the Department of Child Services (465 IAC 2-11-84) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-85 Fire prevention and building safety plan, design, and construction

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. *(Department of Child Services; 465 IAC 2-11-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-85) to the Department of Child Services (465 IAC 2-11-85) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-86 Heat, light, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 86. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table-top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters, shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(Department of Child Services; 465 IAC 2-11-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-86) to the Department of Child Services (465 IAC 2-11-86) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-11-87 Electrical equipment, plumbing, and combustible materials

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 87. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules, and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. *(Department of Child Services; 465 IAC 2-11-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-87) to the Department of Child Services (465 IAC 2-11-87) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-88 Halls, windows, doors, and exits

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 88. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance

with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. *(Department of Child Services; 465 IAC 2-11-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-88) to the Department of Child Services (465 IAC 2-11-88) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-11-89 Safety equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 89. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. *(Department of Child Services; 465 IAC 2-11-89; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2025; errata filed Jul 1, 1991, 11:00 a.m.: 14 IR 2066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-13-89) to the Department of Child Services (465 IAC 2-11-89) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 12. Children's Homes and Child Caring Institutions Defined as Group Homes

465 IAC 2-12-1 Applicability

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as group homes caring for ten (10) or less children.

(b) A licensee caring for ten (10) or less children may be issued and hold one (1) of the following combinations of licenses concurrently within a single facility:

(1) A license to operate a group home under this rule.

(2) A license to operate an emergency shelter under 470 IAC 3-15.

(3) A license to operate a group home under this rule and a license to operate an emergency shelter under 470 IAC 3-15.

(c) The group home shall be a one (1) or two (2) family dwelling and shall be one (1) of the following:

(1) A single facility without affiliation with an institution.

(2) A facility affiliated with an institution and located apart from the institution.

(Department of Child Services; 465 IAC 2-12-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2025; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02

p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-1) to the Department of Child Services (465 IAC 2-12-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-2 "Administrator" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Department of Child Services; 465 IAC 2-12-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-2) to the Department of Child Services (465 IAC 2-12-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-3 "Admission" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Department of Child Services; 465 IAC 2-12-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-3) to the Department of Child Services (465 IAC 2-12-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-4 "Application" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Department of Child Services; 465 IAC 2-12-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-4) to the Department of Child Services (465 IAC 2-12-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Department of Child Services; 465 IAC 2-12-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-5) to the Department of Child Services (465 IAC 2-12-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-6 "Communicable disease" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Department of Child Services; 465 IAC 2-12-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-6) to the Department of Child Services (465 IAC 2-12-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-7 "Confinement room" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Department of Child Services; 465 IAC 2-12-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-7) to the Department of Child Services (465 IAC 2-12-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-8 "Corporal punishment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Department of Child Services; 465 IAC 2-12-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-8) to the Department of Child Services (465 IAC 2-12-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-9 "Emergency shelter" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:

(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and

(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Department of Child Services; 465 IAC 2-12-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-9) to the Department of Child Services (465 IAC 2-12-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-10 "Food service" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Department of Child Services; 465 IAC 2-12-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-10) to the Department of Child Services (465 IAC 2-12-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-11 "FPBSC" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Department of Child Services; 465 IAC 2-12-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-11) to the Department of Child Services (465 IAC 2-12-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-12 "Governing body" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Department of Child Services; 465 IAC 2-12-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-12) to the Department of Child Services (465 IAC 2-12-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-13 "Group home" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Department of Child Services; 465 IAC 2-12-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-13) to the Department of Child Services (465 IAC 2-12-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-14 "Institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed

under 470 IAC 3-11 or 470 IAC 3-12. *(Department of Child Services; 465 IAC 2-12-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-14) to the Department of Child Services (465 IAC 2-12-14) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-15 "License" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Department of Child Services; 465 IAC 2-12-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-15) to the Department of Child Services (465 IAC 2-12-15) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-16 "Living unit" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Department of Child Services; 465 IAC 2-12-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-16) to the Department of Child Services (465 IAC 2-12-16) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-17 "Mechanical restraints" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Department of Child Services; 465 IAC 2-12-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-17) to the Department of Child Services (465 IAC 2-12-17) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-18 "Needs assessment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Department of Child Services; 465 IAC 2-12-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-18) to the Department of Child Services (465 IAC 2-12-18) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-19 "Parent agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Department of Child Services; 465 IAC 2-12-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-19) to the Department of Child Services (465 IAC 2-12-19) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-20 "Placing agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Department of Child Services; 465 IAC 2-12-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-20) to the Department of Child Services (465 IAC 2-12-20) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-21 "Placing parent or guardian" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Department of Child Services; 465 IAC 2-12-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-21) to the Department of Child Services (465 IAC 2-12-21) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-22 "Private secure facility" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Department of Child Services; 465 IAC 2-12-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-22) to the Department of Child Services (465 IAC 2-12-22) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-23 "Program director" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Department of Child Services; 465 IAC 2-12-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-23) to the Department of Child Services (465 IAC 2-12-23) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-24 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Department of Child Services; 465 IAC 2-12-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-24) to the Department of Child Services (465 IAC 2-12-24) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-25 "Psychotropic medication" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Department of Child Services; 465 IAC 2-12-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-25) to the Department of Child Services (465 IAC 2-12-25) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-26 "SBH" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Department of Child Services; 465 IAC 2-12-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-26) to the Department of Child Services (465 IAC 2-12-26) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-27 "SDPW" or "department" defined

Authority: IC 31-27-2-4
Affected: IC 31-25-1-1; IC 31-27-5

Sec. 27. As used in this rule, "SDPW" or "department" means the department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-12-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-27) to the Department of Child Services (465 IAC 2-12-27) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-28 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Department of Child Services; 465 IAC 2-12-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-28) to the Department of Child Services (465 IAC 2-12-28) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-29 "Staff development" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Department of Child Services; 465 IAC 2-12-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-29) to the Department of Child Services (465 IAC 2-12-29) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-30 "Treatment plan" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Department of Child Services; 465 IAC 2-12-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-30) to the Department of Child Services (465 IAC 2-12-30) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-31 "Variance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Department of Child Services; 465 IAC 2-12-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-31) to the Department of Child Services (465 IAC 2-12-31) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-32 "Waiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Department of Child Services; 465 IAC 2-12-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40*

p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-32) to the Department of Child Services (465 IAC 2-12-32) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(b) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(c) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(d) A child caring institution shall not care for children under the age of six (6) years.

(e) The license shall be posted in a conspicuous place in the child caring institution. *(Department of Child Services; 465 IAC 2-12-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-33) to the Department of Child Services (465 IAC 2-12-33) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

(1) the name of the licensee changes;

(2) the type of child caring institution changes;

(3) the address of the child caring institution changes; or

(4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. *(Department of Child Services; 465 IAC 2-12-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-34) to the Department of Child Services (465 IAC 2-12-34) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:

(1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.

(2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.

(b) The SDPW shall review the written request based on but not limited to the following:

(1) On-site review, if applicable.

(2) Written documentation.

(3) Review of the requests by SDPW field consultants and administration.

(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.

(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.

(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. *(Department of Child Services; 465 IAC 2-12-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-35) to the Department of Child Services (465 IAC 2-12-35) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-36 Reporting requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.
(Department of Child Services; 465 IAC 2-12-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-36) to the Department of Child Services (465 IAC 2-12-36) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information regarding the following:
    (A) New construction and maintenance of building.
    (B) Operation of the child caring institution and child care program.
    (C) Sources of income and fundraising methods.
(7) Program design for the children as follows:
    (A) Emotional and social development.
    (B) Education.

(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.

(8) Administration is to include the following:

(A) Identification of the governing body or members of the board of Directors including full name, address, and occupation of each.

(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.

(b) The child caring institution shall operate in accordance with the written plan of operation. *(Department of Child Services; 465 IAC 2-12-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-37) to the Department of Child Services (465 IAC 2-12-37) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-38 Governing body

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Department of Child Services; 465 IAC 2-12-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-38) to the Department of Child Services (465 IAC 2-12-38) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.
(5) Fixed expenses.
(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:
(1) Public liability.
(2) Worker's compensation.
(3) Fire and disaster insurance on the property.
(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or volunteer. *(Department of Child Services; 465 IAC 2-12-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-39) to the Department of Child Services (465 IAC 2-12-39) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-40 Admission
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing.
(b) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. *(Department of Child Services; 465 IAC 2-12-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-40) to the Department of Child Services (465 IAC 2-12-40) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-41 Placement agreement
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:
(1) Authorization to care for the child.
(2) Provision for treatment plan reviews.
(3) The financial plan for payment of care and services covered.
(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.
(Department of Child Services; 465 IAC 2-12-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-41) to the Department of Child Services (465 IAC 2-12-41) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-42 Personnel policies
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.
(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.
(c) The child caring institution shall maintain an organizational chart.
(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually. *(Department of Child Services; 465 IAC 2-12-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-42) to the Department of Child Services (465 IAC 2-12-42) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access. *(Department of Child Services; 465 IAC 2-12-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-43) to the Department of Child Services (465 IAC 2-12-43) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(d) If the personnel records are maintained at an office located apart from the group home residence, a copy of the health record of the direct care worker and the name, address, and telephone numbers of the person to be notified in the event of an emergency shall be kept on the premises of the group home. *(Department of Child Services; 465 IAC 2-12-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-44) to the Department of Child Services (465 IAC 2-12-44) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:
(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
(A) Ability, character, and suitability for working with children.
(B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Department of Child Services; 465 IAC 2-12-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2032; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-45) to the Department of Child Services (465 IAC 2-12-45) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Initial assessment of child and family and resulting treatment plan.
(15) Written quarterly progress reports and six (6) month treatment plan revisions.
(16) Documentation of efforts to provide services to the child's family.
(17) Documentation of any discipline of a child which results in an injury.
(18) School report, including teachers' evaluation of child's progress.
(19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(20) Discharge information required under section 65 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20).

(e) If the children's records are maintained at an office located apart from the group home residence, a copy of the treatment

plan and subsequent revisions and all health records shall be kept on the premises of the group home. *(Department of Child Services; 465 IAC 2-12-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2032; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-46) to the Department of Child Services (465 IAC 2-12-46) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]*, is exempted from this rule. *(Department of Child Services; 465 IAC 2-12-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-47) to the Department of Child Services (465 IAC 2-12-47) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-48 Administrative personnel

Authority: IC 31-27-2-4
Affected: IC 31-27-5

Sec. 48. (a) The group home shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the department.

(c) When nondirect care functions have been approved by the department and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have a master's degree or higher from an accredited school in:

(1) social work;

(2) counseling; or

(3) a related human service area of study.

(f) The administrator shall also meet one (1) of the following requirements:

(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.

(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:

(A) A clinical social worker.

(B) A marriage and family therapist.

(C) A mental health counselor.

(D) A social worker with a master's degree.

(E) A related field as determined by the department.

(g) If the group home is owned and administered by a parent agency and the parent agency employs an administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall provide supervision of the group home by a person having a bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in a professional capacity in a child welfare agency or therapeutic setting that serves children.

(h) The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

(i) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(j) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-12-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-48) to the Department of Child Services (465 IAC 2-12-48) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-49 Professional personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) Professional services required for residents of group homes may be provided by one (1) of the following:

(1) Direct employment of qualified staff.

(2) Contract with qualified staff.

(3) Qualified staff from the parent agency.

(4) A community mental health clinic.

(5) The child placing agency.

(6) The administrator.

(Department of Child Services; 465 IAC 2-12-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-49) to the Department of Child Services (465 IAC 2-12-49) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-50 Direct care personnel; child-staff ratios

Authority: IC 31-27-2-4
Affected: IC 31-27-5

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

(1) be at least twenty-one (21) years of age; and

(2) have at least a high school or equivalency diploma.

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home.

(c) While children are awake, the direct care worker to child ratio shall be determined and approved by the department based on the needs of the children being served. The approved ratio shall range between 1:6 to 1:8. While children are sleeping, the ratio shall be at least one (1) direct care worker to every ten (10) children.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, the group home shall maintain a ratio of at least one (1) direct care worker to every four (4) children, whether the children are awake or asleep.

(e) When one (1) employee is supervising a group of children, the group home shall have a written plan for that employee

to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities.

(g) To be considered in the staffing ratios, the staff must be awake. Any institution that is approved prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-12-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-50) to the Department of Child Services (465 IAC 2-12-50) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Department of Child Services; 465 IAC 2-12-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-51) to the Department of Child Services (465 IAC 2-12-51) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Department of Child Services; 465 IAC 2-12-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-52) to the Department of Child Services (465 IAC 2-12-52) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make

appropriate decisions. *(Department of Child Services; 465 IAC 2-12-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-53) to the Department of Child Services (465 IAC 2-12-53) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this subsection.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.
(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. *(Department of Child Services; 465 IAC 2-12-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-54) to the Department of Child Services (465 IAC 2-12-54) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Department of Child Services; 465 IAC 2-12-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-55) to the Department of Child Services (465 IAC 2-12-55) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Department of Child Services; 465 IAC 2-12-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-56) to the Department of Child Services (465 IAC 2-12-56) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-57 Discipline and guidance

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:
(1) have a written discipline policy; and
(2) make the policy available to:
(A) placement agencies;
(B) staff;
(C) parents; and
(D) children in care.
(b) Discipline and guidance shall be as follows:
(1) Consistent.
(2) Based on an understanding of individual needs and development.
(3) Promote self-discipline and acceptable social behavior.
(c) Children shall be treated kindly and humanely at all times.
(d) The administrator shall not use, or permit any person to use, any of the following:
(1) Cruel, harsh, or unusual punishment.
(2) Treatment that is mentally, physically, or emotionally abusive or neglectful.
(3) Any humiliating or frightening method to control the actions of any child or group of children.
(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
(f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.
(g) The child caring institution shall prohibit, as a method of discipline, the following:
(1) Confinement to a locked or dark room.
(2) Use of mechanical restraints.
(3) Undue confinement to bed.
(4) Deprivation of meals or snacks.
(5) Inappropriate assignment of work.
(6) Group discipline for an offense by an individual child.
(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with:
(A) parents;
(B) guardian ad litem;
(C) court appointed special advocate; or
(D) placing worker.

(Department of Child Services; 465 IAC 2-12-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-57) to the Department of Child Services (465 IAC 2-12-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-58 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 *[511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.]* with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Department of Child Services; 465 IAC 2-12-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-58) to the Department of Child Services (465 IAC 2-12-58) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-59 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Department of Child Services; 465 IAC 2-12-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-59) to the Department of Child Services (465 IAC 2-12-59) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-60 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability

of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Department of Child Services; 465 IAC 2-12-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-60) to the Department of Child Services (465 IAC 2-12-60) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-61 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Department of Child Services; 465 IAC 2-12-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-61) to the Department of Child Services (465 IAC 2-12-61) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-62 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Department of Child Services; 465 IAC 2-12-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-62) to the Department of Child Services (465 IAC 2-12-62) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-63 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Department of Child Services; 465 IAC 2-12-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-63) to the Department of Child Services (465 IAC 2-12-63) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-64 Treatment plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have completed a written treatment plan for each child within forty-five (45) days of admission and shall provide a copy of the plan to the placing agency or placing parent or guardian.

(b) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(c) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(d) The treatment plan shall include an assessment of the following with the child and family:

(1) Needs.

(2) Strengths.

(3) Weaknesses.

(4) Problem areas.

(e) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

(1) Education.

(2) Daily living activities.

(3) Any specialized recreation.

(4) Any specialized services, such as counseling.

(5) Family involvement and plan for visitation.

(6) The projected length of stay.

(f) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.

(g) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(h) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency.

(i) The child caring institution shall provide a written summary of each quarterly review to the placing agency or placing parent or guardian. *(Department of Child Services; 465 IAC 2-12-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-64) to the Department of Child Services (465 IAC 2-12-64) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-65 Discharge

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.
(2) Recommendations for the child and family following discharge.
(3) The date and reasons for discharge.
(4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Department of Child Services; 465 IAC 2-12-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-65) to the Department of Child Services (465 IAC 2-12-65) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-66 Services to families

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Department of Child Services; 465 IAC 2-12-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-66) to the Department of Child Services (465 IAC 2-12-66) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-67 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Department of Child Services; 465 IAC 2-12-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-67) to the Department of Child Services (465 IAC 2-12-67) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-68 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Department of Child Services; 465 IAC 2-12-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-68) to the Department of Child Services (465 IAC 2-12-68) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-69 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.

(2) Seizures.

(3) Hemorrhaging.

(4) Artificial respiration.

(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.

(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The "Red Cross First Aid Manual" or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff.

(Department of Child Services; 465 IAC 2-12-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-69) to the Department of Child Services (465 IAC 2-12-69) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-70 Medication; disbursement, application

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Department of Child Services; 465 IAC 2-12-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40

p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-70) to the Department of Child Services (465 IAC 2-12-70) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-71 Psychotropic medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Department of Child Services; 465 IAC 2-12-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-71) to the Department of Child Services (465 IAC 2-12-71) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-72 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Department of Child Services; 465 IAC 2-12-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-72) to the Department of Child Services (465 IAC 2-12-72) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-73 Health requirements for children

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

(1) Health history.

(2) Physical examination.

(3) Vision and hearing screening.

(4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.

(5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.

(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) Each child shall receive a health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

(1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.

(e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.

(i) Adequate documentation of an immunization history shall consist of one (1) of the following:

(1) A licensed physician's certificate including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation including the number and dates of doses administered.

(3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed physician certifies in writing that a particular immunization required in this section is, or may be, detrimental to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer detrimental to the child's health.

(k) The child caring institution shall maintain a health record for each child. The record shall include the following:

(1) Admission and periodic health and dental examination information.

(2) A licensed physician's written instructions with regard to special dietary or health care required.

(3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Department of Child Services; 465 IAC 2-12-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-73) to the Department of Child Services (465 IAC 2-12-73) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-74 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Department of Child Services; 465 IAC 2-12-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2040; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-74) to the Department of Child Services (465 IAC 2-12-74) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-75 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.
(j) The kitchen shall be equipped with the following:
(1) A stove.
(2) A refrigerator.
(3) Closed cabinets for food and utensil storage.
(4) A two (2) compartment sink and automatic dishwasher or a three (3) compartment sink.
(5) Light and ventilation.
(6) Walls and ceilings that are smooth and easily washed.
(7) Counter surfaces that are smooth and free of cracks and seams.
(k) Refrigerators shall be maintained at a temperature of forty-five degrees Fahrenheit (45°F) or below.
(l) Freezers shall be maintained at temperature of zero degrees Fahrenheit (0°F) or below.
(m) Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer located in a position for daily monitoring. *(Department of Child Services; 465 IAC 2-12-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2041; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-75) to the Department of Child Services (465 IAC 2-12-75) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-76 Building, grounds, and equipment
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH.
(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.
(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.
(d) A child caring institution shall provide safe and protected outdoor playground space.
(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and shall be sufficiently varied to meet the needs of the children according to age, size, and social development. *(Department of Child Services; 465 IAC 2-12-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-76) to the Department of Child Services (465 IAC 2-12-76) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-77 Space requirements; furnishings
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall provide the following:
(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.
(2) Indoor play space for younger children separate and apart from that provided for older children.
(3) Space for children to study and read.
(b) The child caring institution shall provide the following:
(1) Separate sleeping quarters for male and female children.
(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.
(3) At least three (3) feet of space between sides and ends of each single bed.
(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant

of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(g) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(h) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Department of Child Services; 465 IAC 2-12-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-77) to the Department of Child Services (465 IAC 2-12-77) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-12-78 Maintenance and safety

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Department of Child Services; 465 IAC 2-12-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-78) to the Department of Child Services (465 IAC 2-12-78) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-79 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-8.1 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Department of Child Services; 465 IAC 2-12-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2043; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-79) to the Department of Child Services (465 IAC 2-12-79) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-80 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The group home shall have at least two (2) bathrooms furnished with a sink, toilet, and a shower or tub.

(c) The group home shall provide separate bathrooms for boys and girls.

(d) If fewer than seven (7) children of the same gender and nonresident awake night staff are present, the group home may have a minimum of one (1) fully equipped bathroom for children and one (1) half-bathroom for staff use.

(e) All group homes shall provide resident staff with bath and toilet facilities separate from those of the children.

(f) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(g) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Department of Child Services; 465 IAC 2-12-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2043; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-80) to the Department of Child Services (465 IAC 2-12-80) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-81 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Department of Child Services; 465 IAC 2-12-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-81) to the Department of Child Services (465 IAC 2-12-81) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-82 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Department of Child Services; 465 IAC 2-12-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-82) to the Department of Child Services (465 IAC 2-12-82) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-83 Building, plans and construction

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. (a) Prior to construction of any new building, conversion of an existing building, or major alteration to an existing building, or addition to an existing building, a set of complete plans and specification shall be submitted to the SBH plan review section. The group home is exempted from submitting plans to the state building commissioner.

(b) The group home shall meet requirements of 675 IAC 14. A newly constructed group home shall submit to the SDPW certification by the architect or contractor of compliance with 675 IAC 14.

(c) A child caring institution licensed as a group home under previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]* that is licensed and in existence on the effective date of this rule and continues to operate at the same location shall have the option to continue to be licensed as a group home.

(d) The maximum height of a building used for bedrooms in a group home shall be limited to two (2) stories excluding the basement.

(e) Every sleeping room shall have at least one (1) operable exterior window or exterior door for emergency exit or rescue in conformance to 675 IAC 14. The means of exit shall be operable from the inside to provide full, clear opening without the use of tools.

(f) Where windows are provided as a means of exit or rescue, they shall have a sill height of not more than forty-four (44) inches above the finished floor and a minimum net clear opening of four and three-fourths (4.75) square feet. The minimum net clear opening shall be twenty-four (24) inches high and eighteen (18) inches wide.

(g) Prior to initial licensure, the group home shall submit a statement signed by an electrician certifying that the electrical service and system are sufficient to service the intended use in a safe manner. *(Department of Child Services; 465 IAC 2-12-83; 83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-83) to the Department of Child Services (465 IAC 2-12-83) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-84 Smoke detection system

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. The group home shall be equipped with smoke detectors as required under 675 IAC 14. *(Department of Child Services; 465 IAC 2-12-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-84) to the Department of Child Services (465 IAC 2-12-84) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-12-85 Safety requirements; exits; fireplaces; extinguishers; heaters; combustibles

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills shall be conducted during sleeping hours annually.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, for example, glass, ceramic, or metal, shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A ten (10) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessed in case of emergency.

(r) All Class I, II, III-A flammable liquids shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. *(Department of Child Services; 465 IAC 2-12-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-85) to the Department of Child Services (465 IAC 2-12-85) by P.L.234-2005, SECTION 195,*

effective July 1, 2005.

Rule 13. Children's Homes and Child Caring Institutions Defined as Emergency Shelter Care Group Homes

465 IAC 2-13-1 Applicability

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as group homes caring for ten (10) or less children.

(b) A licensee caring for ten (10) or less children may be issued and hold one (1) of the following combinations of licenses concurrently within a single facility:

(1) A license to operate a group home under 470 IAC 3-14.

(2) A license to operate an emergency shelter under this rule.

(3) A license to operate a group home under 470 IAC 3-14 and a license to operate an emergency shelter under this rule.

(c) The group home shall be a one (1) or two (2) family dwelling and shall be one (1) of the following:

(1) A single facility without affiliation with an institution.

(2) A facility affiliated with an institution and located apart from the institution.

(Department of Child Services; 465 IAC 2-13-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-1) to the Department of Child Services (465 IAC 2-13-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-2 "Administrator" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Department of Child Services; 465 IAC 2-13-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-2) to the Department of Child Services (465 IAC 2-13-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-3 "Admission" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Department of Child Services; 465 IAC 2-13-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-3) to the Department of Child Services (465 IAC 2-13-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-4 "Application" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Department of Child Services; 465 IAC 2-13-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-4) to the Department of Child Services (465 IAC 2-13-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Department of Child Services; 465 IAC 2-13-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-5) to the Department of Child Services (465 IAC 2-13-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-6 "Communicable disease" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Department of Child Services; 465 IAC 2-13-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-6) to the Department of Child Services (465 IAC 2-13-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-7 "Confinement room" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Department of Child Services; 465 IAC 2-13-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-7) to the Department of Child Services (465 IAC 2-13-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-8 "Corporal punishment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Department of Child Services; 465 IAC 2-13-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-8) to the Department of Child Services (465 IAC 2-13-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-9 "Emergency shelter" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility, that:

(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and

(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.

(Department of Child Services; 465 IAC 2-13-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-9) to the Department of Child Services (465 IAC 2-13-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-10 "Food service" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Department of Child Services; 465 IAC 2-13-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-10) to the Department of Child Services (465 IAC 2-13-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-11 "FPBSC" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Department of Child Services; 465 IAC 2-13-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-11) to the Department of Child Services (465 IAC 2-13-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-12 "Governing body" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Department of Child Services; 465 IAC 2-13-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division*

of Family Resources (470 IAC 3-15-12) to the Department of Child Services (465 IAC 2-13-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-13 "Group home" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Department of Child Services; 465 IAC 2-13-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-13) to the Department of Child Services (465 IAC 2-13-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-14 "Institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. *(Department of Child Services; 465 IAC 2-13-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-14) to the Department of Child Services (465 IAC 2-13-14) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-15 "License" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Department of Child Services; 465 IAC 2-13-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-15) to the Department of Child Services (465 IAC 2-13-15) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-16 "Living unit" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Department of Child Services; 465 IAC 2-13-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-16) to the Department of Child Services (465 IAC 2-13-16) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-17 "Mechanical restraints" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Department of Child Services; 465 IAC 2-13-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-17) to the Department of Child Services (465 IAC 2-13-17) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-18 "Needs assessment" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Department of Child Services; 465 IAC 2-13-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-18) to the Department of Child Services (465 IAC 2-13-18) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-19 "Parent agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Department of Child Services; 465 IAC 2-13-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-19) to the Department of Child Services (465 IAC 2-13-19) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-20 "Placing agency" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Department of Child Services; 465 IAC 2-13-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-20) to the Department of Child Services (465 IAC 2-13-20) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-21 "Placing parent or guardian" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Department of Child Services; 465 IAC 2-13-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-21) to the Department of Child Services (465 IAC 2-13-21) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-22 "Private secure facility" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Department of Child Services; 465 IAC 2-13-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-22) to the Department of Child Services (465 IAC 2-13-22) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-23 "Program director" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Department of Child Services; 465 IAC 2-13-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-23) to the Department of Child Services (465 IAC 2-13-23) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-24 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Department of Child Services; 465 IAC 2-13-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-24) to the Department of Child Services (465 IAC 2-13-24) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-25 "Psychotropic medication" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Department of Child Services; 465 IAC 2-13-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division*

of Family Resources (470 IAC 3-15-25) to the Department of Child Services (465 IAC 2-13-25) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-26 "SBH" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Department of Child Services; 465 IAC 2-13-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-26) to the Department of Child Services (465 IAC 2-13-26) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-27 "SDPW" or "department" defined

Authority: IC 31-27-2-4
Affected: IC 31-25-1-1; IC 31-27-5

Sec. 27. As used in this rule, "SDPW" or "department" means the department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-13-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-27) to the Department of Child Services (465 IAC 2-13-27) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-28 "SFM" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Department of Child Services; 465 IAC 2-13-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-28) to the Department of Child Services (465 IAC 2-13-28) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-29 "Staff development" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Department of Child Services; 465 IAC 2-13-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-29) to the Department of Child Services (465 IAC 2-13-29) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-30 "Treatment plan" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Department of Child Services; 465 IAC 2-13-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-30) to the Department of Child Services (465 IAC 2-13-30) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-31 "Variance" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Department of Child Services; 465 IAC 2-13-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-31) to the Department of Child Services (465 IAC 2-13-31) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-32 "Waiver" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Department of Child Services; 465 IAC 2-13-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-32) to the Department of Child Services (465 IAC 2-13-32) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-33 Licensing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(b) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(c) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(d) A child caring institution shall not care for children under the age of six (6) years.

(e) The license shall be posted in a conspicuous place in the child caring institution. *(Department of Child Services; 465 IAC 2-13-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-33) to the Department of Child Services (465 IAC 2-13-33) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-34 Termination of license

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

(1) the name of the licensee changes;
(2) the type of child caring institution changes;
(3) the address of the child caring institution changes; or
(4) the capacity, age range, or gender of children served changes.
(b) A license shall be terminated whenever the child caring institution closes. *(Department of Child Services; 465 IAC 2-13-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-34) to the Department of Child Services (465 IAC 2-13-34) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-35 Waivers and variances
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:
(1) For a waiver, a written request showing documentation that compliance will create an undue hardship on the applicant.
(2) For a variance, a written request showing documentation of the need and the alternate method of compliance.
(b) The SDPW shall review the written request based on but not limited to the following:
(1) On-site review, if applicable.
(2) Written documentation.
(3) Review of the requests by SDPW field consultants and administration.
(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.
(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.
(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. *(Department of Child Services; 465 IAC 2-13-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-35) to the Department of Child Services (465 IAC 2-13-35) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-36 Reporting requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) A death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.

(Department of Child Services; 465 IAC 2-13-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-36) to the Department of Child Services (465 IAC 2-13-36) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information regarding the following:
(A) New construction and maintenance of building.
(B) Operation of the child caring institution and child care program.
(C) Sources of income and fund raising methods.
(7) Program design for the children as follows:
(A) Emotional and social development.
(B) Education.
(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) The identification of the governing body or members of the board of directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.

(b) The child caring institution shall operate in accordance with the written plan of operation. *(Department of Child Services; 465 IAC 2-13-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-37) to the Department of Child Services (465 IAC 2-13-37) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-38 Governing body

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Department of Child Services; 465 IAC 2-13-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-38) to the Department of Child*

Services (465 IAC 2-13-38) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.
(5) Fixed expenses.
(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.
(2) Worker's compensation.
(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or volunteer. *(Department of Child Services; 465 IAC 2-13-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-39) to the Department of Child Services (465 IAC 2-13-39) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing. These policies shall clearly define categories of children which will not be accepted into care.

(b) The child caring institution shall have and make written notation of the following information at the time of admission:

(1) The information required by section 46(a)(1) through 46(a)(10) of this rule.
(2) The name and twenty-four (24) hour contact telephone number of the placing agency worker or parent or guardian.
(3) Indication of whether the parent or guardian has been notified.
(4) Identification of the family or other persons who may have contact with the child, the permitted means of contact, and any restrictions upon contacts.
(5) Any known medical problem including allergies, special dietary needs, or medication the child is taking.
(6) Release for emergency treatment signed by the placing agency, parent, guardian, or custodian.

(c) Within seventy-two (72) hours or on the next working day of admission, the child caring institution shall have the following information:

(1) Any available health records including immunization history.

(2) Release of information form signed by the placing agency, the parent, or guardian for release of school records and any existing psychological or psychiatric evaluations.

(d) When a child is unaccompanied by a placing agency or parent at the time of admission, the child caring institution shall attempt to get the information required in subsection (b) but shall not deny admission to a child solely on the inability to document this information.

(e) The child caring institution shall document efforts to notify the parent, guardian, or placing agency as applicable of the admission of the child within twenty-four (24) hours of the child's admission, if possible. If the parent cannot be located, the shelter shall notify the local child protection service within twenty-four (24) hours. *(Department of Child Services; 465 IAC 2-13-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-40) to the Department of Child Services (465 IAC 2-13-40) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews, if applicable.

(3) Financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Department of Child Services; 465 IAC 2-13-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-41) to the Department of Child Services (465 IAC 2-13-41) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.

(Department of Child Services; 465 IAC 2-13-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-42) to the Department of Child Services (465 IAC 2-13-42) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access. *(Department of Child Services; 465 IAC 2-13-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-43) to the Department of Child Services (465 IAC 2-13-43) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(d) If the personnel records are maintained at an office located apart from the group home residence, a copy of the health record of the direct care worker and the name, address, and telephone numbers of the person to be notified in the event of an emergency shall be kept on the premises of the group home. *(Department of Child Services; 465 IAC 2-13-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-44) to the Department of Child Services (465 IAC 2-13-44) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
    (A) Ability, character, and suitability for working with children.
    (B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if

having direct contact with children.
(Department of Child Services; 465 IAC 2-13-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-45) to the Department of Child Services (465 IAC 2-13-45) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-46 Child's records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Documentation of any discipline of a child which results in an injury.
(15) School report, including teachers' evaluation of child's progress.
(16) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(17) Discharge information required under section 65 of this rule.
(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.
(c) Staff entries in case records shall be dated and signed.
(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least that information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(17).
(e) If the children's records are maintained at an office located apart from the group home residence, a copy of the care plan and subsequent revisions and all health records shall be kept on the premises of the group home. *(Department of Child Services; 465 IAC 2-13-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; errata filed Sep 9, 1991, 10:45 a.m.: 15 IR 10; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-46) to the Department of Child Services (465 IAC 2-13-46) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-47 Employee qualifications; generally
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]*, is exempted from this rule. *(Department of Child Services; 465 IAC 2-13-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12,*

2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-47) to the Department of Child Services (465 IAC 2-13-47) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-48 Administrative personnel

Authority: IC 31-27-2-4
Affected: IC 31-27-5

Sec. 48. (a) The group home shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the department.

(c) When nondirect care functions have been approved by the department and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have a master's degree or higher from an accredited school in:

(1) social work;

(2) counseling; or

(3) a related human service area of study.

(f) The administrator shall also meet one (1) of the following requirements:

(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.

(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:

(A) A clinical social worker.

(B) A marriage and family therapist.

(C) A mental health counselor.

(D) A social worker with a master's degree.

(E) A related field as determined by the department.

(g) If the group home is owned and administered by a parent agency and the parent agency employs an administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall provide supervision of the group home by a person having a bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in a professional capacity in a child welfare agency or therapeutic setting that serves children.

(h) The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

(i) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(j) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-13-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-48) to the Department of Child Services (465 IAC 2-13-48) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-49 Professional personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) Professional services required for residents of group homes may be provided by one (1) of the following:

(1) Direct employment of qualified staff.

(2) Contract with qualified staff.

(3) Qualified staff from the parent agency.

(4) A community mental health clinic.

(5) The child placing agency.

(6) The administrator.

(Department of Child Services; 465 IAC 2-13-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-49) to the Department of Child Services (465 IAC 2-13-49) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-50 Direct care personnel; child-staff ratios

Authority: IC 31-27-2-4
Affected: IC 31-27-5

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

(1) be at least twenty-one (21) years of age; and

(2) have at least a high school or equivalency diploma.

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home.

(c) While children are awake and asleep, the direct care worker to child ratio shall be determined and approved by the department based on the needs of the children being served. The approved ratio shall range between 1:6 to 1:8.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, the group home shall maintain a ratio of at least one (1) direct care worker to every four (4) children, whether the children are awake or asleep.

(e) When one (1) employee is supervising a group of children, the group home shall have a written plan for that employee to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities.

(g) To be considered in the staffing ratios, the staff must be awake. Any institution that is approved prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012. *(Department of Child Services; 465 IAC 2-13-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; filed May 25, 2011, 1:23 p.m.: 20110622-IR-465100415FRA, eff Jan 1, 2012; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15- 50) to the Department of Child Services (465 IAC 2-13-50) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include

provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Department of Child Services; 465 IAC 2-13-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-51) to the Department of Child Services (465 IAC 2-13-51) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Department of Child Services; 465 IAC 2-13-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-52) to the Department of Child Services (465 IAC 2-13-52) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Department of Child Services; 465 IAC 2-13-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-53) to the Department of Child Services (465 IAC 2-13-53) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full

year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this subsection.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.

(2) Principles and practices of child care.

(3) Family relationships and the impact of separation.

(4) Behavior management techniques.

(5) Emergency and safety procedures.

(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section.

(f) In addition to the training required under subsections (a) through (e), the child caring institution shall provide all staff having direct contact with the children with training in the following:

(1) An understanding of the nature of a crisis.

(2) Specific techniques for dealing with suicidal children.

(3) Verbal deescalation and therapeutic physical restraint techniques, if they are utilized.

(Department of Child Services; 465 IAC 2-13-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-54) to the Department of Child Services (465 IAC 2-13-54) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Department of Child Services; 465 IAC 2-13-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-55) to the Department of Child Services (465 IAC 2-13-55) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and

supplies.

(e) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Department of Child Services; 465 IAC 2-13-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-56) to the Department of Child Services (465 IAC 2-13-56) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-57 Discipline and guidance

Authority: IC 31-33-1.5-11; P.L.234-2005, SECTION 194
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:
(1) have a written discipline policy; and
(2) make the policy available to:
(A) placement agencies;
(B) staff;
(C) parents; and
(D) children in care.
(b) Discipline and guidance shall be as follows:
(1) Consistent.
(2) Based on an understanding of individual needs and development.
(3) Promote self-discipline and acceptable social behavior.
(c) Children shall be treated kindly and humanely at all times.
(d) The administrator shall not use, or permit any person to use, any of the following:
(1) Cruel, harsh, or unusual punishment.
(2) Treatment that is mentally, physically, or emotionally abusive or neglectful.
(3) Any humiliating or frightening method to control the actions of any child or group of children.
(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
(f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.
(g) The child caring institution shall prohibit, as a method of discipline, the following:
(1) Confinement to a locked or dark room.
(2) Use of mechanical restraints.
(3) Undue confinement to bed.
(4) Deprivation of meals or snacks.
(5) Inappropriate assignment of work.
(6) Group discipline for an offense by an individual child.
(7) Any child or group of children punishing another child.
(8) Deprivation of visits or contact with:
(A) parents;
(B) guardian ad litem;
(C) court appointed special advocate; or
(D) placing worker.

(Department of Child Services; 465 IAC 2-13-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-465040316FRA; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-57) to the Department of Child Services (465 IAC 2-13-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-58 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall work with the placing agency, parent, or guardian to ensure that the child's education plan is in compliance with the Indiana school attendance laws.

(e) The child caring institution shall have and follow a written plan for meeting the educational needs of children who are unable to attend public school. *(Department of Child Services; 465 IAC 2-13-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-58) to the Department of Child Services (465 IAC 2-13-58) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-59 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed to parents and the placing agency. *(Department of Child Services; 465 IAC 2-13-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-59) to the Department of Child Services (465 IAC 2-13-59) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-60 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Department of Child Services; 465 IAC 2-13-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-60) to the Department of Child Services (465 IAC 2-13-60) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-61 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Department of Child Services; 465 IAC 2-13-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-61) to the Department of Child Services (465 IAC 2-13-61) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-62 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the care plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the care plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Department of Child Services; 465 IAC 2-13-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-62) to the Department of Child Services (465 IAC 2-13-62) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-63 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Department of Child Services; 465 IAC 2-13-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-63) to the Department of Child Services (465 IAC 2-13-63) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-64 Care plan; program; medical services

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) A child caring institution which is licensed as a group home may provide shelter care services and a long term treatment program in the same facility if the group home complies with 470 IAC 3-14 and this rule for each child admitted.

(b) The child caring institution shall not maintain any child in shelter care service for longer than sixty (60) days.

(c) After sixty (60) days, a child shall be transferred to the child caring institution's long term program or be removed from the shelter care service if the child caring institution does not provide a long term program.

(d) The child caring institution shall assess each child's situation within twenty-four (24) hours or on the next working day of admission and shall develop a written care plan. The plan shall be developed in conjunction with the placing agency or with the parents or guardian.

(e) The written care plan shall include the following:

(1) An assessment of the immediate needs of the child and family and the plan for meeting those needs.

(2) A written plan which states how the children will be supervised during the children's sleeping hours.

(3) The plan for visitation and telephone contact with family or significant others.

(4) The plan for education as defined in section 58 of this rule.

(5) The anticipated length of stay.

(6) Any known court dates.

(7) Any changes in the care plan and recorded observations made by direct care workers.

(f) Medical services shall be provided as follows:

(1) At the time of admission, a health evaluation checklist furnished by the SBH shall be utilized by the child caring institution to determine obvious health problems of the child.

(2) Any child suspected of being physically or sexually abused and who has not received medical attention shall receive a physical examination and communicable disease determination by a licensed physician immediately.

(3) Any child suspected of having a communicable disease or chronic disease that needs constant therapy shall receive a physical examination by a licensed physician within forty-eight (48) hours of admission to the child caring institution.

(4) All other children shall have a physical examination and communicable disease determination by a licensed physician or nurse practitioner three (3) months prior to placement or within thirty (30) days after admission.

(5) The child caring institution shall have an agreement with an on-call licensed physician and the ability to arrange for emergency medical and dental examination and treatment.

(Department of Child Services; 465 IAC 2-13-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-64) to the Department of Child Services (465 IAC 2-13-64) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-65 Discharge

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A written summary report of the care received by the child including any recommendations for the child and family.

(2) The date and reasons for discharge.

(3) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) The summary report shall be provided to the placing agency at the time of discharge.

(c) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, other individual, or agency to whom the child is released. *(Department of Child Services; 465 IAC 2-13-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-*

465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-65) to the Department of Child Services (465 IAC 2-13-65) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-66 Services to families

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the care plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Department of Child Services; 465 IAC 2-13-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-66) to the Department of Child Services (465 IAC 2-13-66) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-67 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Department of Child Services; 465 IAC 2-13-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-67) to the Department of Child Services (465 IAC 2-13-67) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-68 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Department of Child Services; 465 IAC 2-13-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-68) to the Department of Child Services (465 IAC 2-13-68) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-69 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:
(1) Poisoning.
(2) Seizures.
(3) Hemorrhaging.
(4) Artificial respiration.
(5) Choking.
(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.
(d) Staff members shall have immediate access to the following:
(1) A telephone.
(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.
(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.
(4) The "Red Cross First Aid Manual" or its equivalent.
(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.
(e) Staff members shall observe children for signs of illness or injury.
(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff.
(Department of Child Services; 465 IAC 2-13-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-69) to the Department of Child Services (465 IAC 2-13-69) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-70 Medication; disbursement, application
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.
(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.
(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.
(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.
(e) Medications shall not be administered past the expiration date.
(f) The staff member administering medication shall record the following information in the child's health record:
(1) The date and time of day when medication is given.
(2) Why it is given.
(3) How much is given.
(4) By whom administered.
(Department of Child Services; 465 IAC 2-13-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-70) to the Department of Child Services (465 IAC 2-13-70) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-71 Psychotropic medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the care plan. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Department of Child Services; 465 IAC 2-13-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-71) to the Department of Child Services (465 IAC 2-13-71) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-72 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Department of Child Services; 465 IAC 2-13-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-72) to the Department of Child Services (465 IAC 2-13-72) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-73 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Department of Child Services; 465 IAC 2-13-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-73) to the Department of Child Services (465 IAC 2-13-73) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-74 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(j) The kitchen shall be equipped with the following:

(1) A stove.

(2) A refrigerator.

(3) Closed cabinets for food and utensil storage.

(4) A two (2) compartment sink and automatic dishwasher or a three (3) compartment sink.

(5) Light and ventilation.

(6) Walls and ceilings that are smooth and easily washed.

(7) Counter surfaces that are smooth and free of cracks and seams.

(k) Refrigerators shall be maintained at a temperature of forty-five degrees Fahrenheit (45°F) or below.

(l) Freezers shall be maintained at temperature of zero degrees Fahrenheit (0°F) or below.

(m) Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer located in a position for daily monitoring. *(Department of Child Services; 465 IAC 2-13-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov*

26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-74) to the Department of Child Services (465 IAC 2-13-74) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-75 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) A child caring institution shall provide safe and protected outdoor playground space.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and shall be sufficiently varied to meet the needs of the children according to age, size, and social development. *(Department of Child Services; 465 IAC 2-13-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-75) to the Department of Child Services (465 IAC 2-13-75) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-76 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(b) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well ventilated and heated.
(3) Sanitation of all furnishings after each use for isolation for a communicable disease.
(g) The child caring institution shall provide furnishings which are as follows:
(1) Safe and room appropriate for use.
(2) Maintained and repaired as needed.
(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.
(h) The child caring institution shall provide a study area which includes the following:
(1) Tables or desks.
(2) Chairs.
(3) Appropriate lighting for reading.
(Department of Child Services; 465 IAC 2-13-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-76) to the Department of Child Services (465 IAC 2-13-76) by P.L.234-2005, SECTION 195, effective July 1, 2005.

465 IAC 2-13-77 Maintenance and safety
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.
(b) The child caring institution shall maintain the following safety precautions:
(1) Keep poisons and harmful chemicals under lock.
(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.
(3) Prohibit the storage and use of firearms on the property.
(4) Provide adult supervision whenever power equipment is being used by children.
(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep grounds free from observable hazards.
(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Department of Child Services; 465 IAC 2-13-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-77) to the Department of Child Services (465 IAC 2-13-77) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-78 SBH requirements; water supply and water treatment
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.
(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.
(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.
(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.
(e) Drinking water shall be available to the children at all times.
(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads

and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-8.1 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Department of Child Services; 465 IAC 2-13-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-78) to the Department of Child Services (465 IAC 2-13-78) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-79 Bath; toilet facilities; and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The group home shall provide separate bathrooms for boys and girls.

(c) The group home shall have at least two (2) bathrooms furnished with a sink, toilet, and shower or tub.

(d) If fewer than seven (7) children of the same gender and nonresident awake night staff are present, the group home may have a minimum of one (1) fully equipped bathroom for children and one (1) half-bathroom for staff use.

(e) All group homes shall provide resident staff with bath and toilet facilities separate from those of the children.

(f) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(g) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Department of Child Services; 465 IAC 2-13-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-79) to the Department of Child Services (465 IAC 2-13-79) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-80 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Department of Child Services; 465 IAC 2-13-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-80) to the Department of Child Services (465 IAC 2-13-80) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-81 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Department of Child Services; 465 IAC 2-13-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-81) to the Department of Child Services (465 IAC 2-13-81) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-82 Building, plans and construction

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) Prior to construction of any new building, conversion of an existing building, or major alteration to an existing building, or addition to an existing building, a set of complete plans and specifications shall be submitted to the SBH plan review section. The group home is exempted from submitting plans to the state building commissioner.

(b) The group home shall meet requirements of 675 IAC 14. A newly constructed group home shall submit to the SDPW certification by the architect or contractor of compliance with 675 IAC 14.

(c) A child caring institution licensed as a group home under previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]* that is licensed and in existence on the effective date of this rule and continues to operate at the same location shall have the option to continue to be licensed as a group home.

(d) The maximum height of a building used for bedrooms in a group home shall be limited to two (2) stories excluding the basement.

(e) Every sleeping room shall have at least one (1) operable exterior window or exterior door for emergency exit or rescue in conformance to 675 IAC 14. The means of exit shall be operable from the inside to provide full, clear opening without the use of tools.

(f) Where windows are provided as a means of exit or rescue, they shall have a sill height of not more than forty-four (44) inches above the finished floor and a minimum net clear opening of four and three-fourths (4.75) square feet. The minimum net clear opening shall be twenty-four (24) inches high and eighteen (18) inches wide.

(g) Prior to initial licensure, the group home shall submit a statement signed by an electrician certifying that the electrical service and system are sufficient to service the intended use in a safe manner. *(Department of Child Services; 465 IAC 2-13-82; 82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-82) to the Department of Child Services (465 IAC 2-13-82) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-83 Smoke detection system

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. The group home shall be equipped with smoke detectors as required under 675 IAC 14. *(Department of Child Services; 465 IAC 2-13-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-83) to the Department of Child Services (465 IAC 2-13-83) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

465 IAC 2-13-84 Safety requirements; exits; fireplaces; extinguishers; heaters; combustibles

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills shall be conducted during sleeping hours annually.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, for example, glass, ceramic, or metal, shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A ten (10) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessed in case of emergency.

(r) All Class I, II, III-A flammable liquids shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. *(Department of Child Services; 465 IAC 2-13-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA; readopted filed Nov 26, 2013, 4:02 p.m.: 20131225-IR-465130459RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-84) to the Department of Child Services (465 IAC 2-13-84) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

Rule 14. Transitional Services Plans for Independent Living

465 IAC 2-14-1 Applicability of definitions

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-2-21

Sec. 1. The definitions in sections 2 through 9 of this rule apply throughout this rule. *(Department of Child Services; 465 IAC 2-14-1; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; readopted filed Oct 31, 2016, 4:01 p.m.: 20161130-IR-465160382RFA)*

465 IAC 2-14-2 "Assigned case manager" defined

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-2-21

Sec. 2. "Assigned case manager" means the family case manager or collaborative care case manager assigned to the eligible youth's case. *(Department of Child Services; 465 IAC 2-14-2; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-14-3 "Department" defined

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-1

Sec. 3. "Department" means the department of child services established under IC 31-25-1 or a local office of the department. *(Department of Child Services; 465 IAC 2-14-3; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; readopted filed Oct 31, 2016, 4:01 p.m.: 20161130-IR-465160382RFA)*

465 IAC 2-14-4 "Eligible youth" defined

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-28-5.8; IC 31-34; IC 31-37

Sec. 4. (a) "Eligible youth" means an individual who:
(1) while receiving foster care, has become or will become:
(A) eighteen (18) years of age; or
(B) emancipated by order of a juvenile court:
(i) under IC 31-34-20-1(a)(5), IC 31-37-19-1(a)(5), or IC 31-37-19-5(b)(5); and
(ii) based on findings and terms in accordance with IC 31-34-20-6 or IC 31-37-19-27; or
(2) is receiving collaborative care for older youth under IC 31-28-5.8.
(b) The term includes an individual who:
(1) is more than sixteen (16) and less than twenty-one (21) years of age;
(2) has received foster care after attaining sixteen (16) years of age; and
(3) is the subject of a juvenile court case under IC 31-34 or IC 31-37 that is open within ninety (90) days before the youth will become eighteen (18) years of age.
(Department of Child Services; 465 IAC 2-14-4; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-14-5 "Foster care" defined

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-9-2-71; IC 31-9-2-114; IC 31-27; IC 31-28-5.8; IC 31-34; IC 31-37

Sec. 5. (a) "Foster care" means residential care and supervision of an individual who is less than twenty-one (21) years of age, subject to subsection (b), in any of the following categories of homes or facilities:
(1) A foster family home licensed under IC 31-27-4 or applicable law of the state in which the home is located.
(2) The home of a relative of the individual, who is not the individual's parent, if the:
(A) home is not required to be licensed under IC 31-27-4 or applicable law of the state in which the home is located; and
(B) relative is primarily responsible for support and maintenance of the home.
(3) A child caring institution licensed under IC 31-27-3 or applicable law of the state in which the institution is located.
(4) A group home licensed under IC 31-27-5 or applicable law of the state in which the home is located.
(5) A transitional living placement.

(6) An out-of-home placement pursuant to an Indiana court order.
(b) An eligible youth, as defined in section 4(a) of this rule, must be receiving foster care:
(1) while subject to:
(A) wardship of, or court-ordered supervision by, the department, in a case pending under IC 31-34; or
(B) court-ordered supervision by a county probation department, or wardship of a person or shelter care facility, in a case pending under IC 31-37;
under a dispositional decree entered by the juvenile court; or
(2) in accordance with applicable provisions of IC 31-28-5.8 and 465 IAC 2-15.1 relating to collaborative care.
(c) The term does not include detention or housing of an individual in a:
(1) juvenile detention facility, as defined in IC 31-9-2-71;
(2) facility operated by the department of correction;
(3) secure facility, as defined in IC 31-9-2-114, that is not licensed by the department;
(4) forestry camp, training school, or any other facility operated primarily for detention of delinquent children; or
(5) acute psychiatric facility.
(Department of Child Services; 465 IAC 2-14-5; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-14-6 "Successful adulthood services" defined
Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-9-2-123.5; IC 31-25-2-21

Sec. 6. (a) "Successful adulthood services" has the meaning set forth in IC 31-9-2-123.5.
(b) "Successful adulthood services" shall include:
(1) a comprehensive, written, independent living assessment of the youth's strengths and needs required to enable the youth to be self-supporting and to live independently in a self-sufficient manner; and
(2) all services needed to implement a transitional services plan for the eligible youth.
(c) "Successful adulthood services" may include any of the following kinds of services that are intended to prepare the youth for self support and living arrangements that are self-sufficient and not subject to supervision by another individual or institution:
(1) Arrangements for and management of a transitional living placement for a youth who is seventeen (17) years and six (6) months of age or older, if appropriate.
(2) Activities of daily living and social skills training.
(3) Opportunities for social, cultural, recreational, or spiritual activities that are designed to expand life experiences in a manner appropriate to the youth's cultural heritage and needs and any other special needs.
(4) Matching of a youth on a voluntary basis with caring adults to act as mentors and assist the youth to establish lifelong connections with caring adults.
(5) Any other services that are eligible for federal financial assistance through the John H. Chafee Foster Care Independence Program, 42 U.S.C. 677.
(Department of Child Services; 465 IAC 2-14-6; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-14-7 "Transitional living placement" defined
Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-2-21

Sec. 7. "Transitional living placement" means an apartment or other semi-independent living arrangement:
(1) for youth who demonstrate progress in successful adulthood skills; and
(2) that is arranged with approval of the department and that may be managed and monitored by:
(A) the department; or
(B) another person or entity that the department approves or with which the department contracts to manage a

transitional living placement.

(Department of Child Services; 465 IAC 2-14-7; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-14-8 "Transitional services plan" defined

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 12-15; IC 12-17.6; IC 31-25-2-21

Sec. 8. "Transitional services plan" means a comprehensive written plan that is personalized for the eligible youth and that includes information and specific options relating to each of the following subjects:

(1) Education and training.
(2) Employment services and work force supports.
(3) Housing, which may include a transitional living placement when appropriate.
(4) Health care, including prevention and treatment services and referral information.
(5) Procedures available under Indiana law for, and the importance of, stating in advance an individual's desires concerning the following:
(A) Health care treatment decisions if the individual is unable to participate in those decisions when required.
(B) Designation of another person to make health care treatment decisions for an individual who is unable to make those decisions when required.
(6) The manner in which a health care treatment decision can be made for an incapacitated individual who has not made an advance designation of another person through a procedure authorized by law, and the procedure for disqualifying specified individuals from participating in the decision.
(7) Health insurance availability and options, including, but not limited to, eligibility for Medicaid under IC 12-15, the children's health insurance program under IC 12-17.6, or any other state-assisted health insurance for which the youth could be eligible.
(8) Local opportunities for mentors and continuing support services, including development of lifelong adult relationships and informal continuing supports.
(9) Identification and development of daily living and problem-solving skills.
(10) Any additional successful adulthood services that are approved by the department and are appropriately tailored to the needs of the eligible youth.
(11) Availability of local, state, and federal resources, including financial assistance, relating to any of the plan subjects described in this section.

(Department of Child Services; 465 IAC 2-14-8; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-14-9 "Youth" defined

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-2-21

Sec. 9. "Youth" means an individual who is fifteen (15) years of age or older, and less than twenty-one (21) years of age, unless otherwise specified in the applicable section of this rule. *(Department of Child Services; 465 IAC 2-14-9; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; readopted filed Oct 31, 2016, 4:01 p.m.: 20161130-IR-465160382RFA)*

465 IAC 2-14-10 Requirements for development and completion of successful adulthood and transitional services plans

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-2-21; IC 31-28-5.8

Sec. 10. (a) If an individual who may become an eligible youth is in foster care at the time the youth becomes fifteen (15) years and six (6) months of age, the department, through the assigned case manager or contracted successful adulthood services

provider, may develop, in conjunction with the youth, a plan for successful adulthood services. If feasible and requested by the youth, the plan should be completed within thirty (30) days after the start of development of the plan. The plan may include any successful adulthood services described in section 6(c) of this rule. The plan may, but is not required to, contain any or all of the elements of a transitional services plan, as defined in section 8 of this rule.

(b) If a transitional services plan for an eligible youth:

(1) was developed as provided in subsection (a); and

(2) is in effect ninety (90) days before the youth's eighteenth birthday;

the department will, during the ninety (90) day period immediately before the date on which the youth will attain eighteen (18) years of age, ensure that the existing plan is reviewed, revised, and updated for purposes of implementation after the youth becomes eighteen (18) years of age.

(c) If a transitional services plan:

(1) was not developed under subsection (a); or

(2) is not in effect on the date ninety (90) days before an eligible youth's eighteenth birthday;

the department will, during the ninety (90) day period immediately before the date on which the youth will attain eighteen (18) years of age, develop or ensure the development of an appropriate transitional services plan that will be approved for implementation beginning at the time the youth becomes eighteen (18) years of age, or at any later time as specified in the plan.

(d) If an eligible youth:

(1) is receiving collaborative care under IC 31-28-5.8 and 465 IAC 2-15.1; and

(2) does not have an approved transitional services plan in effect at the time the voluntary collaborative care agreement under 465 IAC 2-15.1-10 is fully executed;

the department will develop an appropriate transitional services plan for the youth within sixty (60) days of the date of execution of the agreement, unless the time for completion of the plan is extended by the director's designee. *(Department of Child Services; 465 IAC 2-14-10; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-14-11 Procedure for development of transitional services plans

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-25-2-21; IC 31-27; IC 31-28-5.8; IC 31-34; IC 31-37

Sec. 11. (a) If the eligible youth is in foster care under wardship or court-ordered supervision of the department, the assigned case manager will work with the youth, and with other representatives of the youth or persons acting on his or her behalf, to develop and complete the transitional services plan as required under this rule.

(b) If the eligible youth is in foster care under court-ordered supervision of a county probation department or wardship of a person or shelter care facility in a case under IC 31-37, the probation officer assigned to the case will have primary responsibility for working with the youth, and with other representatives of the youth or persons acting on his or her behalf, to develop and complete the transitional services plan as required under this rule. The department may assign an appropriate staff resource to consult with and assist the probation officer, to the extent necessary or appropriate, in developing the transitional services plan.

(c) If, at the time for development of a transitional services plan, the eligible youth is residing in:

(1) a child caring institution licensed under IC 31-27-3;

(2) a group home licensed under IC 31-27-5;

(3) a foster family home licensed under IC 31-27-4 that is supervised by a child placing agency licensed under IC 31-27-6; or

(4) any comparable residential facility in Indiana or in another state;

the assigned case manager or probation officer who is responsible for ensuring the development and completion of a transitional services plan will consult with the case manager of the facility or supervising placement agency who, with the youth's consent, will be provided the opportunity to participate in development of the plan.

(d) If, at the time for development of a transitional services plan, the eligible youth is residing in:

(1) a foster family home (including a relative home) licensed under IC 31-27-4;

(2) an unlicensed relative home in Indiana; or

(3) a licensed or unlicensed foster home or relative home in another state;
the assigned case manager or probation officer who is responsible for ensuring the development and completion of a transitional services plan will consult with the youth's principal adult caretaker or supervisor who, with the youth's consent, will be provided the opportunity to participate in development of the plan.

(e) If, at the time for development of a transitional services plan, the eligible youth is receiving collaborative care under IC 31-28-5.8 and 465 IAC 2-15.1, the assigned case manager will:

(1) work with the youth in developing and completing the plan; and

(2) with the youth's consent, consult with the youth's principal adult caretaker in development of the plan.

(f) The eligible youth is primarily responsible for developing a transitional services plan that is personalized and as detailed as the youth desires, subject to feasibility and reasonableness. If the youth has a guardian ad litem (GAL) or court-appointed special advocate (CASA), the assigned case manager or probation officer will, with the approval of the youth, ask the GAL or CASA to participate in development of the plan. In addition, the youth may request one (1) or more other individuals to assist the youth in development of the plan.

(g) In developing a transitional services plan, the assigned case manager or probation officer will consult with each service provider who is currently providing, or will provide, any successful adulthood services to the eligible youth.

(h) In the event that:

(1) any dispute arises among the eligible youth, department staff, probation officer, or other individuals assigned to participate in development of the transitional services plan; and

(2) the dispute cannot be resolved by agreement of the individuals involved;
the dispute may be submitted for resolution to the court having jurisdiction over the youth's case.

(i) The completed transitional services plan shall be submitted for review and approval to the assigned case manager's supervisor. Review of the plan will be completed within thirty (30) days after its submission for review under this subsection. The reviewing supervisor may request any changes or additions to the plan that are necessary for compliance with this rule, or appropriate for the facts and circumstances of the case.

(j) The approved transitional services plan shall be documented in a written agreement signed by the following individuals:

(1) The eligible youth.

(2) Each service provider identified in the plan who will be responsible for implementing services to be provided under the plan.

(3) The department's assigned case manager or the county probation officer who is primarily responsible for completion of the plan as provided in this section.

(4) Any other appropriate person who is:

(A) requested by the youth to be a party to the agreement; and

(B) identified in the plan as a signatory, by mutual agreement of all signatories.

(Department of Child Services; 465 IAC 2-14-11; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-14-12 Contents of transitional services plans

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 16-36; IC 30-5-5-17; IC 31-28-5.8; IC 31-30-2-1; IC 31-34; IC 31-37

Sec. 12. (a) A transitional services plan shall include, at a minimum, the successful adulthood services specified in section 6(b) of this rule.

(b) The transitional services plan may include any additional successful adulthood services described in section 6(c) of this rule.

(c) All successful adulthood services provided in the transitional services plan shall conform to the applicable service standards approved by the department for the Chafee Foster Care Independence Program for which federal funding is provided under 42 U.S.C. 677, including services relating to mentoring and lifelong connections, that are in effect during the term of the plan.

(d) A transitional services plan shall also include documentation that the youth has been provided an explanation of, and

an opportunity to sign after the youth has attained eighteen (18) years of age, any health care power of attorney, health care proxy, or similar document recognized under Indiana law that the youth may request, which may include:

(1) a health care power of attorney (IC 30-5-5-17);

(2) appointment of a health care representative (IC 16-36-1-7);

(3) a disqualification of designated individuals for purposes of making or participating in health care treatment decisions (IC 16-36-1-9);

(4) a psychiatric advance directive (IC 16-36-1.7);

(5) a living will declaration (IC 16-36-4-10);

(6) a life prolonging procedures will declaration (IC 16-36-4-11); or

(7) an out of hospital do not resuscitate (DNR) declaration (IC 16-36-5-15).

(e) A transitional services plan shall also include the document described in IC 31-28-5.8, containing the description of rights and signed acknowledgement.

(f) This subsection applies if the juvenile court continues jurisdiction under IC 31-30-2-1, after the youth has attained eighteen (18) years of age, in the youth's:

(1) child in need of services case under IC 31-34, with continuing wardship responsibility of the department; or

(2) delinquency case under IC 31-37, with continuing wardship responsibility of a county probation department.

The department or probation officer will not give the youth an opportunity to sign a document described in subsection (d)(1) or (d)(2) immediately after the youth has attained eighteen (18) years of age. In that event, the department or probation officer will give the youth another opportunity to sign either of those documents at a time within ninety (90) days before the date the court case is expected to close and the youth discharged from court supervision and wardship, effective on the date of closing of the case.

(g) A youth to whom subsection (f) applies may sign any of the documents described in subsection (d)(3) through (d)(7) at any time after the youth attains eighteen (18) years of age. *(Department of Child Services; 465 IAC 2-14-12; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-14-13 Duration, amendment, and termination of transitional services plans

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-2-21

Sec. 13. (a) The approved transitional services plan document shall specify the term, including the commencement and expiration date. The expiration date shall be not later than the date of the youth's twenty-first birthday.

(b) The transitional services plan may be amended from time to time during its term, as necessary or appropriate in the circumstances, by agreement among the youth and other signatories to the plan or their successors in interest. Any amendment shall be submitted for review and approval to the appropriate person or designee, as provided in section 11(i) of this rule. If an amendment involves a change in the principal service provider for any service identified in the plan, the signature of the new service provider, in place of the original service provider, shall be sufficient for approval of the amendment. An amendment shall not extend the expiration date to a time later than the date of the youth's twenty-first birthday.

(c) A youth may request termination of his or her transitional services plan before its specified expiration date by written notice delivered or mailed to the assigned case manager or probation officer. The assigned case manager or probation officer will deliver or send a copy of the notice to all other signatories to the plan. The notice must state that termination is requested for one (1) of the following reasons:

(1) The:

(A) objectives of the plan have been substantially achieved; and

(B) youth is currently capable of independent living and self-support without the need for continuing assistance, supervision, or oversight.

(2) The youth desires to terminate all successful adulthood services because of a change in circumstances relating to the youth's current living and support arrangements, as explained in the notice.

(d) The department or probation officer may request termination, in whole or in part, of a transitional services plan before its specified expiration date, by written notice to the youth, with copies to all other signatories to the plan. A request for termination under this subsection must state that the youth is failing substantially to comply with any specified provisions of the plan and

include a statement of the specific facts and circumstances evidencing the alleged noncompliance. The notice shall specify a time at least thirty (30) days after the date of service of the notice as the effective date of the termination. The notice shall also specify the actions required to cure the alleged noncompliance before the termination becomes effective. The youth and any other plan signatory may submit a written response to a termination request under this subsection within fifteen (15) days after the date of service of the notice.

(e) A service provider signatory to a transitional services plan may give notice of termination of its duties and responsibilities under the plan. Unless the department approves a waiver of advance notice in an emergency situation based on a determination that continuation of the provider's services would pose a substantial risk of harm to the youth, the provider, or others, a notice under this subsection will be effective not earlier than thirty (30) days after the date of the notice, unless an earlier effective date has been established by agreement with both the youth and the assigned case manager or probation officer. A notice under this subsection shall be delivered or mailed to:

(1) the youth;

(2) the assigned case manager or probation officer; and

(3) any other signatories to the plan except unrelated service providers.

Upon receipt of a notice of termination under this subsection, the youth and the department or applicable county probation office will make every reasonable effort to locate and agree upon a substitute service provider before the effective date of the termination.

(f) A notice of termination under subsection (c) or (d) shall be effective only upon approval of the court that has jurisdiction over the youth's case at the time the notice is served. The department or probation officer may recommend to the court any appropriate modification of the provisions of any existing dispositional decree or other order, to become effective upon approval of termination of the plan.

(g) Termination or amendment of a particular service provided or to be provided under the plan shall not affect any other provision of the plan or service provided under the plan.

(h) The provisions of the transitional services plan agreement under section 11(j) of this rule shall include the substance of the provisions of this section, relating to amendment or termination of the plan. *(Department of Child Services; 465 IAC 2-14-13; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-14-14 Voluntary transition services

Authority: IC 31-25-2-18; IC 31-25-2-21
Affected: IC 31-25-2-7; IC 31-34; IC 31-37

Sec. 14. (a) This section applies to a youth who is:

(1) not an eligible youth; and

(2) eligible for voluntary transition services under subsection (b).

(b) The following youth are eligible for voluntary transition services provided through the department, under the Chafee Foster Care Independence Program, 42 U.S.C. 677:

(1) A youth between eighteen (18) and twenty-one (21) years of age who:

(A) is not currently receiving foster care;

(B) formerly received foster care after sixteen (16) years of age for a period of at least six (6) months;

(C) at the time of receiving foster care was either:

(i) under wardship or court-ordered supervision of the department pursuant to a dispositional decree in a child in need of services case under IC 31-34;

(ii) under court-ordered supervision of a county probation office, or under wardship of a person or shelter care facility, pursuant to a dispositional decree in a juvenile delinquency case under IC 31-37; or

(iii) in custody or under court-ordered supervision of an agency in another state based on a child abuse or neglect determination or juvenile delinquency adjudication; and

(D) had a case plan while receiving foster care that identified a need for successful adulthood services.

(2) A youth between sixteen (16) and twenty-one (21) years of age who:

(A) formerly received foster care for a period of at least six (6) months;

(B) was receiving foster care at the date the youth became sixteen (16) years of age;

(C) at the time of receiving foster care was either:

(i) under wardship or court-ordered supervision of the department pursuant to a dispositional decree in a child in need of services case under IC 31-34; or

(ii) under court-ordered supervision of a county probation office or wardship of a person or shelter care facility, pursuant to a dispositional decree in a juvenile delinquency case under IC 31-37; and

(D) at the time foster care ended was legally adopted or placed under legal guardianship.

(c) The department will make available to a youth described in this section appropriate successful adulthood services, as described in section 6(c) of this rule, based on the terms and provisions of a voluntary transition services agreement among the department, the youth, and one (1) or more appropriate service providers.

(d) The service provider will require that all youth receiving successful adulthood services under a voluntary transition services agreement participate directly in the design of program activities and accept personal responsibility for meeting the independent living goals of the program.

(e) The department will ensure that all youth receiving services under a successful adulthood voluntary transition services agreement are referred for an appropriate life skills assessment and complete the assessment within thirty (30) days after the referral.

(f) A voluntary transition services agreement may include any of the services and subjects that would be required in a transitional services plan for an eligible youth, as determined by mutual agreement between the department and the youth.

(g) A voluntary transition services agreement shall include appropriate provisions for the time period during which services will be provided, including conditions for termination or reinstatement of services, based on applicable department policy. Services for which the department provides financial assistance may not extend beyond the date of the youth's twenty-first birthday.

(h) All services provided under a voluntary transition services agreement as described in this section shall conform to the applicable service standards approved by the department for the Chafee Foster Care Independence Program under 42 U.S.C. 677, that are in effect during the time the services are provided. *(Department of Child Services; 465 IAC 2-14-14; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-14-15 Other successful adulthood services

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7

Sec. 15. (a) This rule shall not be construed to limit or otherwise affect eligibility of children or youth for voluntary successful adulthood services provided by or through the department, for which funds are available under the Chafee Foster Care Independence Program, 42 U.S.C. 677, or any other available funding source, apart from a transitional services plan or voluntary transition services agreement as provided in this rule.

(b) The department may specify additional procedures and standards for successful adulthood services by adoption of policies and service standards that are posted on the department's website and that are not inconsistent with any applicable federal or state statutes, regulations, or provisions of this rule. *(Department of Child Services; 465 IAC 2-14-15; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

Rule 15. Older Youth Foster Care (Repealed)

(Repealed by Department of Child Services; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

Rule 15.1. Collaborative Care

465 IAC 2-15.1-1 Applicability

Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 1. The definitions in sections 2 through 10 of this rule apply throughout this rule. *(Department of Child Services; 465 IAC 2-15.1-1; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-2 "Collaborative care placement" defined

Authority: IC 31-28-5.8-9
Affected: IC 31-9-2-71; IC 31-9-2-114; IC 31-28-5.8

Sec. 2. (a) "Collaborative care placement" means the placement of an older youth eligible under this rule, and includes, but is not limited to:

(1) foster care;
(2) a host home under an agreement with the older youth approved by the department;
(3) a supervised independent living arrangement approved by the department;

regardless of whether payment for the placement is or has been made by the department or any other person or agency.

(b) The term does not include detention or housing of an individual in:

(1) a juvenile detention facility, as defined in IC 31-9-2-71;
(2) a facility operated by the department of correction;
(3) a secure facility, as defined in IC 31-9-2-114, that is not licensed by the department;
(4) a forestry camp, training school, or any other facility operated primarily for detention of delinquent children; or
(5) an acute psychiatric placement.

(Department of Child Services; 465 IAC 2-15.1-2; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-3 "Department" or "DCS" defined

Authority: IC 31-28-5.8-9
Affected: IC 31-25-1; IC 31-28-5.8

Sec. 3. "Department" or "DCS" means the department of child services established under IC 31-25-1, or a local office of the department. *(Department of Child Services; 465 IAC 2-15.1-3; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-4 "Foster care" defined

Authority: IC 31-28-5.8-9
Affected: IC 31-9-2-71; IC 31-9-2-114; IC 31-27; IC 31-28-5.8

Sec. 4. (a) "Foster care" means residential care and supervision of an individual who is less than twenty-one (21) years of age, in any of the following categories of homes or facilities:

(1) A foster family home licensed under IC 31-27-4 or applicable law of the state in which the home is located.
(2) The home of a relative of the individual, who is not the individual's parent, if the:
    (A) home is not required to be licensed under IC 31-27-4 or applicable law of the state in which the home is located; and
    (B) relative is primarily responsible for support and maintenance of the home.
(3) A child caring institution licensed under IC 31-27-3 or applicable law of the state in which the institution is located.
(4) A group home licensed under IC 31-27-5 or applicable law of the state in which the home is located.
(5) A transitional living placement.
(6) An out-of-home placement pursuant to an Indiana court order.

(b) The term does not include detention or housing of an individual in:

(1) a juvenile detention facility, as defined in IC 31-9-2-71;
(2) a facility operated by the department of correction;
(3) a secure facility, as defined in IC 31-9-2-114, that is not licensed by the department;
(4) a forestry camp, training school, or any other facility operated primarily for detention of delinquent children; or
(5) an acute psychiatric facility.

(Department of Child Services; 465 IAC 2-15.1-4; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-5 "Foster family home" defined
Authority: IC 31-28-5.8-9
Affected: IC 31-9-2-46.9; IC 31-28-5.8

Sec. 5. "Foster family home" means a foster family home as defined in IC 31-9-2-46.9. *(Department of Child Services; 465 IAC 2-15.1-5; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-6 "Host home" defined
Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 6. "Host home" means a host home as defined in IC 31-28-5.8-3. *(Department of Child Services; 465 IAC 2-15.1-6; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-7 "Older youth" defined
Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8; IC 31-34; IC 31-37

Sec. 7. "Older youth" means an individual who:
(1) is at least eighteen (18) and less than twenty (20) years of age; and
(2) received foster care on the day the individual turned eighteen (18) years of age:
(A) under wardship of the department, a person, or a shelter care facility, or under supervision of the department or a county probation office; and
(B) in accordance with a court order in a pending child in need of services case under IC 31-34 or juvenile delinquency case under IC 31-37.
(Department of Child Services; 465 IAC 2-15.1-7; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-8 "Older youth services" defined
Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 8. "Older youth services" mean services provided to an older youth by or on behalf of the department, in accordance with section 12 of this rule:
(1) during the time the older youth is residing in a DCS approved placement as set out in IC 31-28-5.8-1; and
(2) pursuant to a collaborative care agreement, as defined in IC 31-28-5.8-2.
(Department of Child Services; 465 IAC 2-15.1-8; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-9 "Reentry youth" defined
Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 9. "Reentry youth" means an older youth who:
(1) meets the eligibility requirements in section 11 of this rule;
(2) expresses a desire to enter or reenter the collaborative care program; and
(3) meets one (1) of the following conditions:
(A) The older youth's child in need of services or juvenile delinquency or juvenile status case closed on or after the date the youth attained eighteen (18) years of age, and the older youth did not immediately enter into a collaborative care agreement upon that case closure.
(B) The older youth's collaborative care case opened and closed prior to attainment of twenty (20) years of age, and

the older youth executes a second or subsequent voluntary collaborative care agreement.
(Department of Child Services; 465 IAC 2-15.1-9; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-10 "Voluntary collaborative care agreement" or "VCCA" defined
Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 10. "Voluntary collaborative care agreement" or "VCCA" means a written agreement executed between an older youth and the department under IC 31-28-5.8-2 that includes, but is not limited to:
(1) terms and conditions of program participation;
(2) a housing arrangement or placement of the older youth approved by the department under this program;
(3) program eligibility criteria;
(4) youth's choice regarding appointment of a court appointed special advocate or guardian ad litem;
(5) collaborative care court requirements and expectations;
(6) process and basis for voluntary and involuntary termination of the VCCA;
(7) rules of conduct for youth participating in the collaborative care program; and
(8) effective date of youth's entry into collaborative care program.
(Department of Child Services; 465 IAC 2-15.1-10; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-11 Eligibility for collaborative care
Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 11. (a) An older youth is eligible for assistance with the costs of an approved placement or housing arrangement and older youth services, if the older youth on a continuing basis is as follows:
(1) A bona fide resident of Indiana.
(2) The older youth:
(A) is employed for at least eighty (80) hours per month;
(B) is attending secondary school, post-secondary school, or a vocational or educational certification or degree program;
(C) is participating in a program or activity designed to either promote employment or remove barriers to employment; or
(D) is incapable of performing any of the activities in clauses (A) through (C) due to a medical condition documented by regularly updated information in the older youth's current case plan.
(b) The department may file the petition specified in IC 31-28-5.8-5 when:
(1) the older youth has requested the department to seek court approval of a voluntary collaborative care agreement; and
(2) the department determines that the older youth is eligible for collaborative care under this rule.
(Department of Child Services; 465 IAC 2-15.1-11; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-12 Placement and services provided to approved collaborative care participants
Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 12. (a) Upon completion of the voluntary collaborative care agreement under section 10 of this rule, the department will provide placement and services to or for the benefit of the older youth as described in this section as follows:
(1) Placement shall be in one (1) of the living arrangements set out in the VCCA, as determined by the department.
(2) Participants will be advised of services available to them through this program as listed in the published DCS state service standards.
(b) The department will obtain entry of a court order approving the voluntary collaborative care agreement within one

hundred eighty (180) days after the start of the placement. *(Department of Child Services; 465 IAC 2-15.1-12; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-13 Foster family home and host home agreements

Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8; IC 31-34; IC 31-37

Sec. 13. (a) The department shall create a form agreement to be provided to foster family homes and host homes. The agreement shall, at a minimum, address:

(1) the expectations, rights, and responsibilities of all parties to the agreement;
(2) the amount of per diem to be paid to the foster family home or host home;
(3) the methods of conflict resolution should a disagreement occur between the youth and the adult providers of the foster family home or host home;
(4) whether any adults residing in the foster family home or host home will be subjected to background checks; and
(5) other matters as may be deemed appropriate based upon the circumstances of the specific older youth seeking a foster family home or host home.

(b) Before placing an older youth in a host home, the department, the older youth, and the adult providers of the host home shall enter into a written agreement as described in subsection (a).

(c) Before placing an older youth in a foster family home or continuing a placement in a foster family home resulting from an order in a child in need of services case under IC 31-34 or juvenile delinquency case under IC 31-37, the department may require the older youth and the adult providers of the foster family home to enter into a written agreement as described in subsection (a). *(Department of Child Services; 465 IAC 2-15.1-13; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-14 Termination of the voluntary collaborative care agreement

Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 14. (a) The older youth may terminate the voluntary collaborative care agreement prior to the expiration of the voluntary collaborative care agreement for any reason, by:

(1) notifying the department in writing that the older youth desires to withdraw from the collaborative care program; or
(2) signing a form provided by the department that will indicate to the court that the department and the youth agree to terminate the voluntary collaborative care agreement.

(b) The department may terminate the voluntary collaborative care agreement before the youth turns twenty (20) years of age, in accordance with the procedure specified in this section, for any of the following reasons:

(1) The older youth indicates in writing a desire to withdraw from the collaborative care program.
(2) The older youth fails to maintain eligibility for the collaborative care program.
(3) The older youth fails to submit documentation to support eligibility, including, but not limited to, report cards or pay stubs, at least quarterly.
(4) The older youth fails to report changes that may affect eligibility to the department by the end of the business day following the change.
(5) The older youth fails to comply with his or her case plan.
(6) The older youth violates any written standards of conduct specified by the VCCA, this rule, or the host home agreement.
(7) The older youth moves out of the state of Indiana.
(8) The older youth moves from approved collaborative care placement without notifying DCS.
(9) The older youth fails to meet, face-to-face, with assigned department personnel on at least a monthly basis.
(10) A court does not approve the voluntary collaborative care agreement within one hundred eighty (180) days.

(c) When the department determines that it will terminate the voluntary collaborative care agreement without the concurrence of the older youth, the department will provide the youth with written notice of the termination, which shall include, at a minimum, the following:

(1) Notice of the reasons for termination.

(2) Notice of the ability to request a court hearing regarding the cause of the termination of the voluntary collaborative care agreement, pursuant to IC 31-28-5.8-8(b).

(Department of Child Services; 465 IAC 2-15.1-14; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-15 Denial of eligibility

Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 15. (a) Any youth who is denied admission into the collaborative care program shall be advised by the department in writing of the denial.

(b) Any youth denied reentry into the collaborative care program shall be advised by the department in writing of the denial.

(c) Denials under subsections (a) and (b) shall include:

(1) notice of the reason for denial; and

(2) notice of the review process for denials, specifying that the youth may make a written request for review, and that the request must include a statement from the youth as to why the youth believes the youth is eligible for the program.

(Department of Child Services; 465 IAC 2-15.1-15; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)

465 IAC 2-15.1-16 Administrative review

Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 16. (a) Any youth who is notified by the department that the youth was denied admission or reentry into collaborative care pursuant to section 15 of this rule is entitled to request an administrative review of the denial.

(b) An individual entitled to request an administrative review under this section may submit a written request for review, in the form prescribed by the department for that purpose, within fifteen (15) days after the department serves a notice or letter regarding the determination that is subject to review. The individual requesting the review may submit with the request any written information or documents that the requester considers relevant to consideration in the review.

(c) The administrative review shall be conducted by a department employee who:

(1) is familiar with the laws, rules, and policies applicable to the collaborative care program;

(2) was not involved in making the decision or determination that is the subject of the request for administrative review; and

(3) is selected in accordance with department policy.

(d) The department shall notify the older youth of the outcome of the review within thirty (30) days of receiving a complete request for review.

(e) The outcome of the administrative review may affirm or reverse the department's original determination. The department shall advise the older youth of the availability of an administrative hearing if the older youth is dissatisfied with the outcome of the administrative review. *(Department of Child Services; 465 IAC 2-15.1-16; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-17 Administrative hearing

Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 17. (a) Any youth who has been notified by the department of a denial of admission or reentry into collaborative care, and has exhausted the department's administrative review process, may request an administrative hearing by submitting the hearing request form made available by the department or attached to the administrative review decision, completed in accordance with the instructions included on the form and department policy. The completed request form must be submitted to the department hearings and appeals unit not more than thirty (30) days after the person was served with written notice of the administrative review determination that affirmed a denial of admission or reentry into collaborative care.

(b) Except as otherwise provided in this rule, provisions of 465 IAC 3-3 apply to a request for administrative hearing under this section. *(Department of Child Services; 465 IAC 2-15.1-17; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

465 IAC 2-15.1-18 Reentry into collaborative care program

Authority: IC 31-28-5.8-9
Affected: IC 31-28-5.8

Sec. 18. (a) An older youth whose participation in the collaborative care program terminates prior to the attainment of twenty (20) years of age and who wants to reenter the collaborative care program may do so as long as the older youth meets the eligibility requirements as set out in section 10 of this rule.

(b) The department shall make reasonable efforts to notify each older youth who leaves the program prior to twenty (20) years of age and who would otherwise be eligible for reentry into the collaborative care program of the process available for the youth to apply to reenter into collaborative care, in writing, at the time the older youth leaves the program. *(Department of Child Services; 465 IAC 2-15.1-18; filed Oct 12, 2016, 2:03 p.m.: 20161109-IR-465160055FRA)*

Rule 16. Rate Setting for Residential Treatment Services Providers

465 IAC 2-16-1 Scope and purpose

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 1. (a) Every residential treatment services provider in the state of Indiana must be licensed by the department in accordance with state law in order for the department to recommend placement of a child with a residential treatment services provider or pay for the costs of such placement.

(b) This rule establishes the procedures the department will use for setting the payment rates, including, but not limited to, maintenance payments, administrative payments, and other costs described in this rule, and that will be paid to residential treatment services providers for children placed by the department or a probation department. *(Department of Child Services; 465 IAC 2-16-1; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-2 Applicability of definitions

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 2. The definitions in sections 3 through 14 of this rule apply throughout this rule. *(Department of Child Services; 465 IAC 2-16-2; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-3 "Administrative payment" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 3. "Administrative payment" means the payment for reasonable costs related to administration of the residential treatment services providers. The administrative payment for residential treatment services providers shall cover the following reasonable costs, including, but not limited to:

(1) Case work.
(2) Case management.
(3) General administration and management.
(4) Accounting and finance.
(5) Human resources.
(6) Management information systems.

(7) Quality assurance procedures.
(8) Legal expenses, other than fees and costs related to certain litigation.
(9) Office supplies.
(10) Professional fees and dues.
(11) Subscriptions.
(12) Printing and postage.
(13) Medical examinations required as a condition of employment.
(14) A reasonable profit margin for residential treatment services providers that are not tax-exempt entities.
(15) Independent living services as specified in written agreements with residential treatment service providers.
(Department of Child Services; 465 IAC 2-16-3; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-4 "Base rate" defined
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 4. "Base rate" will include the following components:
(1) Maintenance payment.
(2) Administrative payment.
(3) Payment for costs that are not eligible for Title IV-E reimbursement, if such costs are related to licensing requirements as established by 465 IAC 2-9 through 465 IAC 2-13, as amended, or written agreement between the department and residential treatment service providers. Such costs shall include, but are not limited to:
(A) on-site nursing staff; or
(B) transportation to medical appointments for the child.
(Department of Child Services; 465 IAC 2-16-4; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-5 "Cost report" defined
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 5. (a) "Cost report" means a report that the department requires each residential treatment services provider to complete for each residential program that the residential treatment services provider operates.
(b) The cost report shall include the following:
(1) Actual costs incurred by or on behalf of the program in the most recently completed residential treatment services provider fiscal year, or in an alternative twelve (12) month period as specified by the department.
(2) Any other information relating to determination of the cost of operating or supervising the program that is specified by the department, or that the residential treatment services provider considers relevant to determination of its reasonable administrative costs relating to the program, consistent with the applicable provisions of this rule.
(Department of Child Services; 465 IAC 2-16-5; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-6 "Department" defined
Authority: IC 31-25-2-18
Affected: IC 31-25-1-1; IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 6. "Department" means the Indiana department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-16-6; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-7 "Excess capacity" defined
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 7. "Excess capacity" means, in cases where the actual average annual occupancy rate, as included in the cost report, is less than the minimum acceptable average annual occupancy rate as established annually by the department, for a particular residential treatment services provider or program, the difference between the:

(1) actual average annual occupancy rate of the residential treatment services provider's program; and

(2) minimum acceptable average annual occupancy rate of the residential treatment services provider's program as established annually by the department.

(Department of Child Services; 465 IAC 2-16-7; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-8 "Maintenance payment" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5; IC 31-40-1-2

Sec. 8. "Maintenance payment" means a payment to a residential treatment services provider to cover the reasonable cost of, and the reasonable cost of providing, the following items, on behalf of a child placed with the residential treatment services provider for whom the department is responsible for payment:

(1) Food.

(2) Clothing.

(3) Shelter, including reasonable occupancy costs.

(4) Daily supervision.

(5) School supplies.

(6) Personal incidentals for the child.

(7) Liability insurance with respect to a child placed in the residential treatment services provider's facility.

(8) Reasonable travel expenses for the child to attend school where the child was enrolled before placement, to the extent that school transportation is not provided or required to be provided under applicable Indiana law by a public school corporation or other state or local agency.

(9) Reasonable travel expenses for the child for family visitation to the extent required by, or consistent with, the child's individual case plan or court order.

(Department of Child Services; 465 IAC 2-16-8; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-9 "Occupancy costs" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 9. "Occupancy costs" means facility related costs of a residential treatment services provider including, but not limited to, the following:

(1) Depreciation.

(2) Interest.

(3) Rent.

(4) Utilities.

(5) Building repairs and maintenance.

(6) Property taxes.

(7) Property insurance.

(Department of Child Services; 465 IAC 2-16-9; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-10 "Probation department" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6; IC 31-37

Sec. 10. "Probation department" means the office of a juvenile court in a county that is responsible for care and supervision

of a child placed in an out-of-home placement by a dispositional decree under IC 31-37. *(Department of Child Services; 465 IAC 2-16-10; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-11 "Public hearing" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 11. "Public hearing" means a hearing, open to the public, for the department to accept comments, suggestions, and feedback related to annual review of the payment rates as set by the mechanisms in this rule. *(Department of Child Services; 465 IAC 2-16-11; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-12 "Reasonable costs" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 12. "Reasonable costs" mean costs of particular items payable by the department under this rule in amounts that the department determines to be reasonable and consistent with applicable guidelines as described in the following:

(1) 2 CFR Part 225 (OMB Circular A-87 Cost Principles for State, Local, and Indian Tribal Governments).
(2) 2 CFR Part 230 (OMB Circular A-122 Cost Principles for Non-Profit Organizations).
(3) 48 CFR Part 31 Section 201-3 (Determining Reasonableness).

(Department of Child Services; 465 IAC 2-16-12; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-13 "Residential treatment services provider" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 13. "Residential treatment services provider" means a provider licensed by the department as a:

(1) child caring institution under IC 31-27-3;
(2) group home under IC 31-27-5; or
(3) private secure facility under 465 IAC 2-11.

(Department of Child Services; 465 IAC 2-16-13; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-14 "Tax exempt entity" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 14. "Tax exempt entity" means a residential treatment services provider that has been determined to be exempt from federal income taxation by the Internal Revenue Service or otherwise operates under such an exemption pursuant to the Internal Revenue Code of 1986, as amended. *(Department of Child Services; 465 IAC 2-16-14; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-15 "Title IV-E" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 15. "Title IV-E" means the following:

(1) Title IV-E of the Social Security Act as codified in 42 U.S.C. 671 et seq.
(2) Regulations of the U.S. Department of Health and Human Services, Administration on Children, Youth and Families (ACYF), applicable to Title IV-E of the Social Security Act, as codified in 45 CFR Part 1355 and 45 CFR Part 1356.

(3) Official interpretations of Title IV-E of the Social Security Act and applicable regulations by the federal administering agency, as published in the Child Welfare Policy Manual issued by the Children's Bureau of the ACYF.
(Department of Child Services; 465 IAC 2-16-15; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-16 Annual public comment period; public hearing
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 16. (a) An annual period of public comment will be open for at least thirty (30) days preceding an annual public hearing. The public comment process will allow residential treatment service providers and other interested persons or organizations to communicate ideas, suggestions, or other comments regarding the rate setting methodology in writing or via e-mail to the department at an address specified in notices posted by the department on its website.

(b) At least one (1) public hearing regarding the rate setting methodology will be held on an annual basis at an address specified in a notice posted by the department on the department's website. The department will send electronic notice to residential treatment service providers currently under contract with the department.

(c) Notice of a public hearing will be posted on the department's website for a period of thirty (30) consecutive days immediately before the date scheduled for the public hearing.

(d) The department may, in addition to posting information on its website, provide public notice of the time and place of a scheduled public hearing through advertisement or publication in news media or posting in locations accessible to the public. *(Department of Child Services; 465 IAC 2-16-16; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-17 Independent review of the rate setting methodology
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 17. An independent third party contractor will conduct an annual review of the department's rate setting methodology. *(Department of Child Services; 465 IAC 2-16-17; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-18 Payments
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 18. The department will make payments to a residential treatment services provider at the time and in the manner specified in a written agreement that is in a form approved by the department and executed by the parties. *(Department of Child Services; 465 IAC 2-16-18; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-19 Publishing of payments
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 19. The department will maintain and publish a list of all residential treatment services provider payment rate amounts. *(Department of Child Services; 465 IAC 2-16-19; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-20 Allowable costs in the base rate and other cost based rates approved by the department; cost report required
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 20. (a) Each residential treatment services provider shall submit to the department a cost report on an annual basis at

the time and in the form required by the department. Failure to submit the cost report timely may result in delay in payment or nonpayment by the department for costs incurred or services rendered by the residential treatment services provider.

(b) Any payments made to a residential treatment services provider will be made pursuant to a written agreement that is in a form specified by the department and executed by the parties.

(c) The department will review each cost report for reasonableness and eligibility under Title IV-E, OMB circulars and the applicable CFR provisions described in section 12 of this rule. The department may, in its discretion, adjust historical costs to reflect current costs by applying a cost of living adjustment. Based on that review, the department will submit to the residential treatment services provider a final approved cost report that the department will use in calculating the applicable rates.

(d) To be allowable, a cost must relate to one (1) or more of the categories described in section 4 of this rule. The cost must also generally satisfy the following criteria:

(1) The cost is reasonable, necessary, and related to the care of children.

(2) The cost is related to goods or services actually provided by the residential treatment services provider.

(e) The department will mail to the residential treatment services provider a letter (rate letter) stating the base rate and other cost based rates that the department agrees to pay, for each applicable program for children whom the department has placed or may place with the residential treatment services provider. The rate letter will include the effective date of the new approved base rate and other cost based rates as approved by the department. The effective date will be not less than forty-five (45) days after the date of the letter.

(f) If the residential treatment services provider accepts the rate offered by the department in the rate letter, such rate shall amend any agreement containing payment rates for placements currently in effect between the residential treatment services provider and the department.

(g) Each cost report submitted under subsection (a) is subject to further review or audit by the department. Such a review or audit may result in a request for a rate adjustment as specified in a new rate letter issued and mailed to the residential treatment services provider.

(h) If the residential treatment services provider has not been licensed, or operated a program for which a base rate or other cost based rate is required, for a period of at least twelve (12) months before the cost report is due to the department, the residential treatment services provider shall submit a cost report utilizing a comprehensive twelve (12) month operating budget for the new program at least ninety (90) days before the start of the program. The department will utilize its rate setting methodology as provided herein to establish a rate for the new program. The cost report shall be in the form specified or approved by the department.

(i) The department will make payments to each residential treatment services provider for reasonable costs of the residential treatment services provider, based on the base rate and other cost based rates approved by the department for that residential treatment services provider. *(Department of Child Services; 465 IAC 2-16-20; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-21 Unallowable costs in the base rate and other cost based rates approved by the department

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 21. (a) Expenditures for the following services are ineligible costs under Title IV-E and are not to be included in the base rate:

(1) Counseling.

(2) Therapy.

(3) Education (other than school supplies).

(4) Health and medical services or treatment.

(b) Consistent with federal guidelines, the department will not pay residential treatment services providers for certain unallowable expenses and costs, as specified in subsections (c) and (d). These unallowable costs will not be considered by the department in calculating the base rate and other cost based rate approved by the department. The unallowable costs and expenses as listed in subsections (c) and (d) must be paid with funds secured from a funding source other than the department.

(c) The following costs are unallowable:

(1) Fines and penalties resulting from violations of or failure of the organization to comply with federal, state, or local laws and regulations, except when incurred as a result of compliance with specific provisions of a contract with the department or instructions in writing from the department.
(2) Investment management counsel and staff and similar expenses incurred solely to enhance income from investments.
(3) Lobbying as defined in 2 CFR Part 230 (OMB Circular A-122 Cost Principles for Non-Profit Organizations).
(4) Organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions. A portion of administrative costs will be allocated to fundraising costs.
(5) Donations and contributions, including cash, property, and services made by the organization, regardless of the recipient.
(6) Donated goods or services received by the organization, except when donated services utilized in the performance of a direct cost activity are material in amount.
(7) Bad debts, including losses arising from uncollectible accounts and other claims, related collection costs, and related legal costs.
(8) Compensation and special benefits to owners in excess of amounts reasonable for the services rendered.
(9) Entertainment, including amusement, diversion, and social activities and any associated costs not directly related to reasonable entertainment and recreation for children placed with the residential treatment services provider by the department or a probation department, such as the following:
(A) Tickets to shows or sports events.
(B) Meals.
(C) Lodging.
(D) Rentals.
(E) Transportation.
(F) Gratuities.
(10) Alcoholic beverages.
(11) Litigation expenses and fees if the expenses and fees relate to a lawsuit or other legal proceeding:
(A) that:
(i) alleges a violation of, or failure to comply with, a federal, state, local, or foreign statute or regulation by the organization (including its agents and employees); and
(ii) results in:
(AA) a conviction in a criminal proceeding;
(BB) a determination of liability in a civil or administrative proceeding involving an allegation of fraud or similar misconduct;
(CC) the imposition of a monetary penalty in any civil or administrative proceeding;
(DD) the termination of the contract with the department;
by reason of a violation or failure to comply with a law or regulation, or a disposition by consent or compromise if the action could have resulted in any of the proceeding dispositions listed in this item;
(B) initiated by the residential treatment services provider against the department for:
(i) administrative or judicial review of any final rate, payment, child assessment, or child program placement determination made by the department;
(ii) interpretation or application of this rule, any other rule of the department, or any department policy;
(iii) alleged noncompliance by the department with any provision of Title IV-E or any other federal or state law, rule, or regulation; or
(iv) alleged breach of any contract between the department and the residential treatment services provider;
(C) naming as a party defendant any other federal or state governmental agency; or
(D) initiated by, or on behalf of, a child or a child's parent or legal guardian, against the residential treatment services provider, alleging a claim for damages, violation of a constitutional or statutory right, or any other basis for liability of the provider to the plaintiff or plaintiffs.
(12) Mortgage and loan principal payments.
(13) Contingency reserves or similar provisions made for events the occurrence of which cannot be foretold with certainty

as to time, intensity, or with an assurance of their happening.

(14) Advertising and marketing except those which relate to the core mission of the residential treatment services provider or are solely for the recruitment of personnel, the procurement of goods or services necessary to support the program, and other specific purposes necessary to meet the requirements of the department.

(15) Housing of nonclients, except as specifically authorized by the department in licensing rules as established by 465 IAC 2-9 through 465 IAC 2-13, as amended.

(16) Taxes from which exemptions are available to the residential treatment services provider directly, or which are available to the residential treatment services provider based on an exemption afforded by the federal government when the awarding agency makes available the necessary exemption certificates.

(17) Federal income taxes.

(18) Nonstraight line depreciation except where clear evidence indicates that the expected consumption of the asset will be significantly greater or lesser in the early portions of its useful life than in later portions of its useful life.

(d) The following costs and expenses will be considered by the department to be unallowable costs on the cost report and will not be considered in calculating the administrative payment:

(1) Salaries: Amounts exceeding the maximum allowable variation established by the department from the median salary for the job category that is determined by the department using:

(A) most recent available Child Welfare League of America Salary Study published by CWLA Press, that contains a survey of applicable job category salaries; or

(B) applicable job category salaries paid by all residential treatment services providers in Indiana, as determined by reports compiled by, or available to, the department.

(2) Fringe benefits: Amounts exceeding the maximum allowable variation established by the department from the median fringe benefit rate (total fringe benefits as a percent of total wages) for all Indiana residential treatment services providers, as determined by reports compiled by, or available to, the department.

(3) Client to direct care staff ratios: Costs associated with staff in significant excess of licensing requirements as established by 465 IAC 2-9 through 465 IAC 2-13, as amended, or services standards adopted by the department and incorporated in a written agreement with residential treatment services providers.

(4) Direct care staff to supervisor ratios: Costs associated with supervisory staff in significant excess of licensing requirements as established by 465 IAC 2-9 through 465 IAC 2-13, as amended, or services standards adopted by the department and incorporated in a written agreement with residential treatment services providers.

(5) Indirect cost allocations: Any indirect cost allocations as a percentage of total costs in excess of the maximum percentage of total costs established by the department for allowable indirect costs.

(6) Total administrative costs: Any amount by which total administrative costs, as defined in the cost report, exceed a maximum percentage of total costs established by the department.

(7) Occupancy costs associated with excess capacity as defined in section 7 of this rule.

(Department of Child Services; 465 IAC 2-16-21; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-22 Offsetting revenue and netting

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 22. (a) Eligible cost reimbursement offsetting will be applied as a credit in accordance with federal regulations as identified by 2 CFR Part 230 (OMB Circular A-122 Cost Principles for Non-Profit Organizations). The resulting net cost will be used to establish the administrative payment.

(b) Applicable credits refer to those receipts, or reduction of expenditures which operate to offset or reduce expense items that are allocable to awards as direct or indirect costs. Typical examples of such transactions include, but are not limited to, the following:

(1) Purchase discounts.

(2) Rebates or allowances.

(3) Recoveries or indemnities on losses.

(4) Insurance refunds.

(5) Adjustments of overpayments or erroneous charges.

To the extent that such credits accruing or received by the residential treatment services provider relate to allowable costs, they shall be credited to the department either as a cost reduction or cash refund, as appropriate.

(c) In some instances, the amounts received from the department to finance residential treatment services provider activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures will be applied by the department in determining the administrative payment. *(Department of Child Services; 465 IAC 2-16-22; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-23 Behavioral health

Authority: IC 31-25-2-18
Affected: IC 12-15-21; IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 23. (a) Counseling, therapy, skill building, behavioral health management, and other behavioral health services to meet the behavioral healthcare needs of the child, will be provided upon authorization from the department.

(b) Effective no earlier than January 1, 2012, for children who are Medicaid eligible, behavioral health costs shall be billed to:

(1) Medicaid, for services authorized by the department that are Medicaid eligible; and

(2) the department through a contract with the department for services authorized by the department that are not covered by Medicaid.

(c) If subsection (b) does not apply and if private insurance is not available or does not cover the costs of services or treatment, behavioral health costs shall be billed to the department through a contract with the department for services authorized by the department. *(Department of Child Services; 465 IAC 2-16-23; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-24 Education

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 24. (a) Educational services may be provided directly by the residential treatment services provider upon authorization from the department.

(b) The residential treatment services provider must submit educational services cost information with the cost report or as such information is reasonably requested by the department. Any payments made by the department for educational services that are provided directly by a residential treatment services provider to a child placed with that residential treatment services provider shall be based on the reasonable costs contained in the residential treatment services provider's cost report. *(Department of Child Services; 465 IAC 2-16-24; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-25 Health and medical services or treatment

Authority: IC 31-25-2-18
Affected: IC 12-15-21; IC 31-25-2-7; IC 31-27-6

Sec. 25. The department will pay for health and medical services or treatment including prescription medication, directly to the service provider on behalf of children within the department or probation's system of care who are placed with a residential treatment services provider if:

(1) Medicaid denies a claim; or

(2) the child is not Medicaid eligible and private insurance is not available or does not cover the costs of services or treatment.

(Department of Child Services; 465 IAC 2-16-25; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

465 IAC 2-16-26 Review of rates

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 26. (a) Residential treatment services providers may request a review of a base rate and other cost based rates approved by the department as stated in a rate letter issued in accordance with section 20(e) and (g) *[20(g)]* of this rule. A residential treatment services provider may request a review of the base rate and other cost based rates when it believes that:

(1) errors have been made in the:

(A) cost report submitted to the department under section 20(a) of this rule;

(B) calculation of the rate; or

(C) determination of the reasonableness of any cost; or

(2) the determination of the rate by the department has a material adverse impact on child welfare in Indiana that an existing provider in the state of Indiana cannot adequately address.

(b) A request for review of any part of the base rate or other cost based rate approved by the department must be submitted in writing to the department within thirty (30) days after the department mails the notice letter to the residential treatment services provider pursuant to section 20(e) and (g) *[20(g)]* of this rule. The time limit for submitting a request for review under this section will be determined under the applicable provisions of IC 4-21.5-3-1 and IC 4-21.5-3-2.

(c) The request for review of the base rate or other cost based rate approved by the department shall be submitted in the form and manner specified by the department and shall include, but not be limited to, the following items:

(1) Identification of the current rate and approved new rate, as applicable to a specific program or service offered by the residential treatment services provider.

(2) An itemized statement of administrative and indirect costs that the residential treatment services provider considers allowable under the provisions of this rule.

(3) A clear, concise statement of the reasons for the requested change.

(4) A detailed statement of related information in support of the requested change.

The department will not accept or process an incomplete request for review of the base rate or other cost based rate approved by the department that does not include at least the items specified in this subsection.

(d) No request for review of the base rate or other cost based rate approved by the department will be acted upon if the residential treatment services provider has a current license that is in the process of being revoked by the department.

(e) The department will conduct a review and send notice of its decision to the residential treatment services provider within thirty (30) days of receiving the request for review under this section. *(Department of Child Services; 465 IAC 2-16-26; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-27 Appeal of the rates

Authority: IC 31-25-2-18
Affected: IC 4-21.5-3; IC 31-25-2-7; IC 31-27-6

Sec. 27. (a) A residential treatment services provider may request an appeal of the department administrative review decision under section 26 of this rule by submitting a written request within fifteen (15) days of receipt of the notice specified in section 26(e) of this rule for appeal under the applicable provisions of IC 4-21.5-3-7(a).

(b) Except as otherwise provided in this section, all provisions of IC 4-21.5-3 apply to appeals requested under subsection (a).

(c) The following provisions of IC 4-21.5-3 do not apply to appeals under this section:

(1) IC 4-21.5-3-4.

(2) IC 4-21.5-3-6.

(3) IC 4-21.5-3-8, relating to sanctions and temporary orders.

(4) IC 4-21.5-3-14(c), relating to burden of proof.

(d) The general counsel of the department will designate administrative law judges for purposes of appeals under this section.

(e) In any appeal under this section the residential treatment services provider has the burden of proof and the burden of

persuasion to establish, by a preponderance of the evidence, that the department's decision following the administrative review is erroneous, based on a reason specified in section 26(a) of this rule.

(f) Unless a continuance is granted under subsection (g), the assigned administrative law judge will hold an administrative hearing not more than sixty (60) days after the department receives the written request. Unless a continuance is granted as provided in this section, hearings will be scheduled and held in the order in which the appeals are assigned to the administrative law judge, taking into consideration administrative hearings requested in other pending matters and any applicable deadlines established by law or rule.

(g) The administrative law judge may grant a continuance of the date for a hearing scheduled in accordance with subsection (f), for any of the following reasons:

(1) The petitioner files a written motion for continuance specifying the reasons for the request and alternate dates when the petitioner will be available and prepared to go forward with the hearing.

(2) The department files a written motion for continuance for good cause, determined under subsection (h).

(3) The administrative law judge orders a continuance for good cause, determined under subsection (i).

(h) The following shall constitute good cause for granting a continuance of a scheduled hearing date requested by the department:

(1) A necessary witness, or the counsel or other necessary representative of the department, is or will be unavailable on the scheduled hearing date, for a reason or reasons that could not have been anticipated at the time the hearing was scheduled.

(2) A motion or other proceeding relating to the appeal is pending that could be dispositive of the appeal, or otherwise materially affect the course or conduct of the hearing.

(3) Any other good cause, as determined by the administrative law judge at a prehearing conference on the motion for continuance.

(i) The following shall constitute good cause for granting a continuance of a scheduled hearing date on motion of the administrative law judge:

(1) Unanticipated congestion of the hearing calendar of the assigned administrative law judge.

(2) Unavailability of the assigned administrative law judge due to unforeseen circumstances, or a change in the judge assigned to the appeal for a reason consistent with any provision of IC 4-21.5-3.

(3) Any other good cause, as determined by the general counsel of the department or the general counsel's designee.

A continuance under this subsection shall be granted by a written order stating the reason or reasons for the continuance and entered in the record of the proceedings.

(j) If a hearing continuance is granted under subsection (g) the administrative law judge shall promptly schedule and conduct a prehearing conference under IC 4-21.5-3-18 to address the rescheduling of the hearing and any other matters relating to expediting decision of the appeal or otherwise resolving the issues presented.

(k) The administrative law judge may, with the consent of the parties, consolidate two (2) or more pending appeals that involve the same or substantially similar facts or issues, for purposes of a hearing and decision under this section.

(l) Unless an extension of time is granted by the general counsel of the department for good cause stated on the record, an administrative law judge will issue a decision within ninety (90) days after completion of the hearing.

(m) Under IC 4-21.5-3-34 and IC 4-21.5-3-35, the department may by policy provide additional procedures to facilitate the expeditious conduct and disposition of administrative appeals under this section, or informal settlement of matters that are the subject of administrative appeals, not inconsistent with the provisions of this rule and applicable provisions of IC 4-21.5-3. A copy of any written policies or procedures relating to administrative appeals to which this section applies will be provided to each party or designated representative upon receipt of an appeal submitted under this section. *(Department of Child Services; 465 IAC 2-16-27; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-28 Rate in effect during pendency of review and appeal of rates

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 28. (a) The department will pay, during the time the rate is being reviewed or appealed, the amount stated in the most recent rate letter that was mailed to the residential treatment services provider in accordance with section 20(e) or (g) *[section 20(e)*

or 20(g) of this rule].

(b) Any payments made by the department or received by the residential treatment services provider after the effective date in the notice letter mailed to the residential treatment services provider in accordance with section 20(e) or (g) *[section 20(e) or 20(g) of this rule]* will be adjusted in accordance with the final approved rate following completion of the administrative review under section 26 of this rule and any administrative appeal under section 27 of this rule, retroactive to the effective date of the notice letter. *(Department of Child Services; 465 IAC 2-16-28; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)*

465 IAC 2-16-29 Documents incorporated by reference

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-3; IC 31-27-5

Sec. 29. The following federal regulations, as in effect on the effective date of this rule, are incorporated by reference in this rule. Copies may be obtained from the United States Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401; may be viewed or downloaded electronically at www.gpoaccess.gov, or its successor; or are available for review and copying at the Indiana Department of Child Services, Indiana Government Center South, 302 West Washington Street Room E306, Indianapolis, IN 46204:

(1) 2 CFR Part 225 (OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments).
(2) 2 CFR Part 230 (OMB Circular A-122, Cost Principles for Nonprofit Organizations).
(3) 48 CFR Part 31, Section 201-3 (Determining Reasonableness).

(Department of Child Services; 465 IAC 2-16-29; filed Apr 26, 2011, 11:20 a.m.: 20110525-IR-465100416FRA)

Rule 17. Rate Setting for Child Placing Agencies

465 IAC 2-17-1 Scope and purpose

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 1. (a) Every CPA in the state of Indiana must be licensed by the department in accordance with state law in order for the department to recommend placement of a child with a CPA or pay for the costs of such placement.

(b) This rule establishes the procedures the department will use for determining and making maintenance payments to or for foster parents of children placed by the department or a probation department with a CPA for foster care in a licensed foster home and administrative payments to child placing agencies in the state of Indiana. *(Department of Child Services; 465 IAC 2-17-1; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-2 Applicability of definitions

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 2. The definitions in sections 3 through 17 of this rule apply throughout this rule. *(Department of Child Services; 465 IAC 2-17-2; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-3 "Administrative payment" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6; IC 31-40-1-2

Sec. 3. "Administrative payment" means the payment for reasonable costs related to administration of the CPA. The administrative payment for CPAs shall cover the following reasonable costs, relating to identification of foster family homes, placement of children referred by the department or a probation department for care in foster family homes supervised by the CPA, and provision of services to the foster families and children placed with the CPA, including, but not limited to:

(1) Case work.
(2) Case management.
(3) Foster home recruiting.
(4) Foster home licensing preparation and maintenance.
(5) Foster parent training.
(6) Foster parent support.
(7) General administration and management.
(8) Accounting and finance.
(9) Human resources.
(10) Management information systems.
(11) Quality assurance procedures.
(12) Legal expenses, other than fees and costs related to certain litigation.
(13) Office supplies.
(14) Professional fees and dues.
(15) Subscriptions.
(16) Printing and postage.
(17) Independent living services as specified in written agreements with CPAs.
(18) Medical examinations required as a condition of employment.
(19) A reasonable profit margin if the agency is not a tax-exempt entity.
(Department of Child Services; 465 IAC 2-17-3; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-4 "Approved assessment tool" defined
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6; IC 31-34; IC 31-37; IC 33-38-9-3

Sec. 4. "Approved assessment tool" means:
(1) In the case of a child placed in foster care through a child in need of services case under IC 31-34, the approved department assessment tool, which is a department designated, child-appropriate instrument for the assessment of child functional impairment that is selected or approved by the department and that is used by the department to assist in assessing the needs and strengths of children within the department's system of care.
(2) In the case of a child placed in foster care through a juvenile delinquency case under IC 31-37, the approved probation assessment tool, which is a child-appropriate instrument for the assessment of child functional impairment that is designated by board of directors of the judicial conference of Indiana established by IC 33-38-9-3 for use by a probation department to assist in assessing the needs and strengths of children under supervision of the probation department.
(Department of Child Services; 465 IAC 2-17-4; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-5 "Child placing agency" or "CPA" defined
Authority: IC 31-25-2-18
Affected: IC 31-9-2-17.5; IC 31-25-2-7; IC 31-27-6

Sec. 5. "Child placing agency" or "CPA" have the definition set forth in IC 31-9-2-17.5. *(Department of Child Services; 465 IAC 2-17-5; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-6 "Cost report" defined
Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 6. (a) "Cost report" means a report that the department requires each CPA to complete for each foster care program that the CPA operates or supervises.

(b) The cost report shall include the following:

(1) Actual costs incurred on behalf of each foster care program in the most recently completed CPA fiscal year, or in an alternative twelve (12) month period as specified by the department.

(2) Any other information relating to determination of the cost of operating or supervising the program that is specified by the department, or that the CPA considers relevant to determination of its reasonable administrative costs relating to the program, consistent with the applicable provisions of this rule.

(Department of Child Services; 465 IAC 2-17-6; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-7 "Critical case juncture" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 7. "Critical case juncture" means an event or episode, as determined by the department or a probation department, involving the child or family that has caused or may cause a disruption in the child's placement. *(Department of Child Services; 465 IAC 2-17-7; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-8 "Department" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-1-1; IC 31-25-2-7; IC 31-27-6

Sec. 8. "Department" means the Indiana department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-17-8; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-9 "Enhanced supervision" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 9. "Enhanced supervision" means additional daily supervision that a foster parent will be required to provide for a child with extraordinary needs, based on categories of supervision established by the department. *(Department of Child Services; 465 IAC 2-17-9; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-10 "Family case manager" or "FCM" defined

Authority: IC 31-25-2-18
Affected: IC 31-9-2-11; IC 31-25-2-5; IC 31-25-2-7; IC 31-27-6

Sec. 10. "Family case manager" or "FCM" means a caseworker, as defined in IC 31-9-2-11, who is described in IC 31-25-2-5. *(Department of Child Services; 465 IAC 2-17-10; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-11 "Foster home" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4-14; IC 31-27-6

Sec. 11. "Foster home" means a home that is:

(1) licensed under IC 31-27-4 upon recommendation of a licensed child placing agency, as provided in IC 31-27-4-14; and

(2) operated, supervised, and monitored by a licensed child placing agency.

(Department of Child Services; 465 IAC 2-17-11; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-12 "Maintenance payment" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6; IC 31-40-1-2

Sec. 12. "Maintenance payment" means payments to cover the reasonable cost of, and the reasonable cost of providing, the following items on behalf of a child placed with a CPA by the department or a probation department, for whom the department is responsible for payment of the cost of child services under IC 31-40-1-2:

(1) Food.
(2) Clothing.
(3) Shelter.
(4) Daily supervision.
(5) Travel expenses incurred for the following purposes:
  (A) visitation with the child's family; and
  (B) travel to and from the child's school.
(6) Personal incidentals for the child.
(7) School supplies.

(Department of Child Services; 465 IAC 2-17-12; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-13 "Probation department" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6; IC 31-37

Sec. 13. "Probation department" means the office of a juvenile court in a county that is responsible for care and supervision of a child placed in an out-of-home placement by a dispositional decree under IC 31-37. *(Department of Child Services; 465 IAC 2-17-13; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-14 "Public hearing" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 14. "Public hearing" means a hearing, open to the public, for the department to accept comments, suggestions, and feedback related to annual review of the maintenance payment and administrative payment as set by the mechanisms in this rule. *(Department of Child Services; 465 IAC 2-17-14; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-15 "Reasonable costs" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 15. "Reasonable costs" means costs of particular items of the administrative payment in amounts that the department determines to be reasonable and consistent with applicable guidelines as described in the following:

(1) 2 CFR Part 225 (OMB Circular A-87 Cost Principles for State, Local, and Indian Tribal Governments).
(2) 2 CFR Part 230 (OMB Circular A-122 Cost Principles for Non-Profit Organizations).
(3) 48 CFR Part 31, Section 201-3 (Determining Reasonableness).

(Department of Child Services; 465 IAC 2-17-15; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-16 "Tax exempt entity" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 16. "Tax exempt entity" means a CPA that has been determined to be exempt from federal income taxation by the Internal Revenue Service or otherwise operates under such an exemption pursuant to the Internal Revenue Code of 1986, as amended. *(Department of Child Services; 465 IAC 2-17-16; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-17 "Title IV-E" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 17. "Title IV-E" means the following:

(1) Title IV-E of the Social Security Act as codified in 42 U.S.C. 671 et seq.

(2) Regulations of the U.S. Department of Health and Human Services, Administration on Children, Youth and Families (ACYF), applicable to Title IV-E of the Social Security Act, as codified in 45 CFR Part 1355 and 45 CFR Part 1356.

(3) Official interpretations of Title IV-E of the Social Security Act and applicable regulations by the federal administering agency, as published in the Child Welfare Policy Manual issued by the Children's Bureau of the ACYF.

(Department of Child Services; 465 IAC 2-17-17; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-18 Annual public comment period; public hearing

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 18. (a) An annual period of public comment will be open for at least thirty (30) days preceding an annual public hearing. The public comment time period will allow each CPA and other interested persons or organizations to communicate ideas, suggestions, or other comments regarding the rate setting methodology in writing or via e-mail to the department at an address specified in notices posted by the department on its website.

(b) At least one (1) public hearing regarding the rate setting methodology will be held on an annual basis at an address specified in a notice posted by the department on the department's website. The department will send electronic notice to CPAs currently under contract with DCS.

(c) Notice of a public hearing will be posted on the department's website for a period of at least thirty (30) consecutive days immediately before the date scheduled for the hearing.

(d) The department may, in addition to posting information on its website, provide public notice of the time and place of a scheduled public hearing through advertisement or publication in news media or posting in locations accessible to the public. *(Department of Child Services; 465 IAC 2-17-18; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-19 Payments to foster parents

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 19. (a) Every child under the care and control of the department or a probation department in a foster home setting is entitled to a maintenance payment. The foster parent or parents will receive a maintenance payment in the form of a per diem payment. All payments will be made at least monthly for foster care provided during the preceding calendar month.

(b) The amount of a maintenance payment payable as provided in this section may vary based upon the age of the child.

(c) The foster parent or parents may receive an additional amount of properly claimed travel expenses incurred for a child placed in the foster home. The additional travel expenses will be paid if:

(1) the foster parent travels in excess of the cost of travel that is paid through the maintenance payment; and

(2) the travel is for one (1) or more of the following purposes and is consistent with the child's individual case plan or a court order:

(A) Travel for visitation with the child's family.

(B) Travel between the foster family home and the school in which the child was enrolled before placement and continues to be enrolled while residing with the foster family, to the extent that school transportation is not provided

or required to be provided under applicable Indiana law by a public school corporation or other state or local agency.

(C) Travel to physical or behavioral health appointments.

(D) Travel for involvement in or attendance at:

(i) administrative case or judicial reviews;

(ii) case conferences or team meetings; or

(iii) foster parent training.

(E) Other travel approved in writing in advance by the department.

(d) The foster parent or parents may receive an additional amount for enhanced supervision based on the category of supervision applicable to the child. The department or a probation department is responsible for determining the child's assessed category of supervision by utilizing the applicable approved assessment tool and input from the parties involved in the child's case, including the CPA, to determine the appropriate category of supervision. The enhanced supervision payment may increase or decrease based on the child's needs at the time of a reassessment.

(e) Except as provided in this subsection, the department will not pay an additional amount for enhanced supervision until after the approved assessment tool has been completed. The department may, in exceptional circumstances, as determined by the department, pay an amount greater than the maintenance payment at the time of placement and before completion of the approved assessment tool. In considering whether to approve a greater payment under this subsection, the department shall consider the child's specific, previously identified needs for enhanced supervision and input from the parties involved in the child's case, including the CPA, that would require additional payment of a temporary enhanced supervision amount prior to the determination of an appropriate enhanced supervision amount under subsection (d).

(f) To the extent consistent with the child's assessed needs, a foster parent may also receive payment for costs of caring for a child that are not included in the maintenance payment, if such costs are determined by the department to be prudent and reasonably necessary in order to serve the child's needs in connection with the child's permanency plan or other plan of care and treatment. The department will pay for those approved costs in accordance with department policies as such policies are published by the department from time to time.

(g) The department will make foster care liability insurance available to foster parents. *(Department of Child Services; 465 IAC 2-17-19; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-20 Establishment and adjustment of the maintenance payment and enhanced supervision payment

Authority: IC 31-25-2-18

Affected: IC 31-25-2-7; IC 31-27-6

Sec. 20. (a) The department shall commission an independent contractor to conduct a study, using primary and secondary data, to assist the department with the determination of the reasonable costs of caring for a foster child in Indiana in accordance with requirements and guidelines as set forth in Title IV-E.

(b) The study will consider the age of a child and the relevant costs associated with the care of children, including children in foster care.

(c) From this study, the independent contractor will construct a model of maintenance payments. The study will provide information to the department so that the department can establish appropriate maintenance payment rates and enhanced supervision payment rates. The completed study will provide the methodology for calculating future adjustments, if any, as underlying costs change.

(d) The department will determine the maintenance payment rate that will be paid to all foster parents.

(e) The department will determine the enhanced supervision payment rates, which shall correspond to the categories of supervision established by the approved assessment tool as defined by section 4(a) of this rule *[redesignated section 4(1) of this rule by the Publisher]*.

(f) The maintenance payment rates and enhanced supervision payment rates will be reviewed annually and adjusted in accordance with subsection (c).

(g) The department will publish the current maintenance payment and the enhanced supervision rates in a provider manual maintained by the department on the department's website.

(h) The department may, at its discretion, develop and implement pilot programs by written agreement with a CPA, relating

to a foster home or group of foster homes that the CPA supervises, and that may include payment amounts or procedures during a specified time period that differ from the amounts or procedures determined under this section. *(Department of Child Services; 465 IAC 2-17-20; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-21 Allowable costs in the administrative payment; cost report required

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 21. (a) The department will make payments to each CPA for reasonable costs related to administration of the CPA, based on the administrative payment approved by the department for that CPA.

(b) Any payments made to a CPA will be made pursuant to a written agreement that is in a form specified by the department and executed by the parties.

(c) The department will maintain and publish a list of all CPA administrative payments.

(d) Each CPA shall submit to the department a cost report on an annual basis at the time and in the form required by the department. Failure to submit the cost report timely may result in delay in payment or nonpayment by the department for administrative costs incurred or services rendered by the CPA.

(e) The department will review each cost report for reasonableness and eligibility under Title IV-E, OMB circulars, and the applicable CFR provisions described in section 16 of this rule. The department may, in its discretion, adjust historical costs to reflect current costs by applying a cost of living adjustment. For costs that are not eligible under Title IV-E, the department will review the cost report for allowability as determined by the department. Based on that review, the department will submit to the CPA a final approved cost report that the department will use in calculating the applicable rates.

(f) To be allowable, a cost must relate to one (1) or more of the categories described in section 3 of this rule. The cost must also generally satisfy the following criteria:

(1) The cost is reasonable, necessary, and related to the care of children.

(2) The cost is related to goods or services actually provided by the CPA.

(g) The department will mail to the CPA a letter (notice letter) stating the administrative payment or payments that the department agrees to pay, for each applicable program for children whom the department has placed or may place with the CPA. The notice letter will include the effective date of the new approved administrative payment or payments as approved by the department. The effective date will be not less than forty-five (45) days after the date of the letter.

(h) If the CPA accepts the administrative payment offered by the department in the notice letter, such administrative payment shall amend any agreement containing payment rates that include administrative costs for placements currently in effect between the CPA and the department.

(i) Each cost report submitted under subsection (d) is subject to further review or audit by the department. Such a review or audit may result in an administrative payment adjustment as specified in a new administrative payment notice letter issued and mailed to the CPA.

(j) If the CPA has not been licensed, or operated a program for which an administrative payment is required, for a period of at least twelve (12) months before the cost report is due to the department, the CPA shall submit a cost report utilizing a comprehensive twelve (12) month operating budget for the new program at least ninety (90) days before the start of the program. The department will utilize its rate setting methodology as provided herein to establish an administrative payment for the new program. The cost report shall be in the form specified or approved by the department. *(Department of Child Services; 465 IAC 2-17-21; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-22 Offsetting revenue and netting

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 22. (a) Eligible cost reimbursement offsetting will be applied as a credit in accordance with federal regulations as identified by 2 CFR Part 230 (OMB Circular A-122 Cost Principles for Non-Profit Organizations). The resulting net cost will be used to establish the administrative payment.

(b) Applicable credits refer to those receipts, or reduction of expenditures that operate to offset or reduce expense items that are allocable to awards as direct or indirect costs. Typical examples of such transactions include, but are not limited to, the following:

(1) Purchase discounts.

(2) Rebates or allowances.

(3) Recoveries or indemnities on losses.

(4) Insurance refunds.

(5) Adjustments of overpayments or erroneous charges.

To the extent that such credits accruing or received by the CPA relate to allowable cost, they shall be credited to the department either as a cost reduction or cash refund, as appropriate.

(c) In some instances, the amounts received from the department to finance CPA activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures will be applied by the department in determining the administrative payment. *(Department of Child Services; 465 IAC 2-17-22; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-23 Unallowable costs in the administrative payment

Authority: IC 31-25-2-18

Affected: IC 31-25-2-7; IC 31-27-6

Sec. 23. (a) Expenditures for the services listed in this subsection are ineligible costs under Title IV-E. The following services may be provided and paid for only upon separate authorization from the department, or as specified in the individual placement agreement for a particular child:

(1) Counseling.

(2) Therapy.

(3) Health and medical services or treatment.

(b) Consistent with federal guidelines, the department will not pay any CPA for certain unallowable expenses and costs, as specified in subsections (c) and (d). The unallowable costs and expenses will not be considered by the department in calculating the administrative payment. The unallowable costs and expenses as listed in subsections (c) and (d) must be paid with funds secured from a funding source other than the department.

(c) The following costs are unallowable:

(1) Fines and penalties resulting from violations of or failure of the organization to comply with federal, state, or local laws and regulations, except when incurred as a result of compliance with specific provisions a contract with the department or instructions in writing from the department.

(2) Investment management counsel and staff and similar expenses incurred solely to enhance income from investments.

(3) Lobbying as defined in 2 CFR Part 230 (OMB Circular A-122 Cost Principles for Non-Profit Organizations).

(4) Organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions. A portion of administrative costs will be allocated to fundraising costs.

(5) Donations and contributions, including cash, property, and services made by the organization, regardless of the recipient.

(6) Donated goods or services received by the organization, except when donated services utilized in the performance of a direct cost activity are material in amount.

(7) Bad debts, including losses arising from uncollectible accounts and other claims, related collection costs, and related legal costs.

(8) Compensation and special benefits to owners in excess of amounts reasonable for the services rendered.

(9) Entertainment, including amusement, diversion, and social activities and any associated costs not directly related to reasonable entertainment and recreation for foster children, such as the following:

(A) Tickets to shows or sports events.

(B) Meals.

(C) Lodging.

(D) Rentals.
(E) Transportation.
(F) Gratuities.
(10) Alcoholic beverages.
(11) Litigation expenses and fees if the expenses and fees relate to a lawsuit or other legal proceeding:
(A) that:
(i) alleges a violation of, or failure to comply with, a federal, state, local, or foreign statute or regulation by the organization (including its agents and employees); and
(ii) results in:
(AA) a conviction in a criminal proceeding;
(BB) a determination of liability in a civil or administrative proceeding involving an allegation of fraud or similar misconduct;
(CC) the imposition of a monetary penalty in any civil or administrative proceeding;
(DD) the termination of the contract with the department;
by reason of a violation or failure to comply with a law or regulation, or a disposition by consent or compromise if the action could have resulted in any of the proceeding dispositions listed in this item;
(B) initiated by the CPA against the department for:
(i) administrative or judicial review of any final rate, payment, child assessment, or child category of supervision determination made by the department;
(ii) interpretation or application of this rule, any other rule of the department, or any department policy;
(iii) alleged noncompliance by the department with any provision of Title IV-E or any other federal or state law, rule, or regulation; or
(iv) alleged breach of any contract between the department and the CPA;
(C) naming as a party defendant any other federal or state governmental agency; or
(D) initiated by, or on behalf of, a child, a child's parent or legal guardian, or a foster parent, against the CPA, alleging a claim for damages, breach of contract, violation of a constitutional or statutory right, or any other basis for liability of the CPA to the plaintiff or plaintiffs.
(12) Mortgage and loan principal payments.
(13) Contingency reserves or similar provisions made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening.
(14) Advertising and marketing except those which relate to the core foster care mission of the CPA or are solely for the recruitment of personnel, the procurement of goods or services necessary to support the program, and other specific purposes necessary to meet the requirements of the department.
(15) Housing of nonclients.
(16) Taxes from which exemptions are available to the CPA directly, or which are available to the CPA based on an exemption afforded by the federal government when the awarding agency makes available the necessary exemption certificates.
(17) Federal income taxes.
(18) Nonstraight line depreciation except where clear evidence indicates that the expected consumption of the asset will be significantly greater or lesser in the early portions of its useful life than in later portions of its useful life.
(d) The following costs and expenses will be considered by the department to be unallowable costs on the cost report and will not be considered in calculating the administrative payment:
(1) Salaries: Amounts exceeding the maximum allowable variation established by the department from the median salary for the job category that is determined by the department using:
(A) the most recent available Child Welfare League of America Salary Study published by CWLA Press, that contains a survey of applicable job category salaries; or
(B) the applicable job category salaries paid by all CPAs in Indiana, as determined by reports compiled by, or available to, the department.
(2) Fringe benefits: Amounts exceeding the maximum allowable variation established by the department from the median

fringe benefit rate (total fringe benefits as a percent of total wages) for all Indiana CPAs, as determined by reports compiled by, or available to, the department.

(3) Case management caseloads: Costs associated with staff in significant excess of licensing requirements as established by 465 IAC 2-2, as amended, or services standards adopted by the department and incorporated in a written agreement with CPAs.

(4) Case manager to supervisor ratios: Costs associated with supervisory staff in significant excess of licensing requirements as established by 465 IAC 2-2, as amended, or services standards adopted by the department and incorporated in a written agreement with CPAs.

(5) Indirect cost allocations: Any indirect cost allocations as a percentage of total costs in excess of the maximum percentage of total costs established by the department for allowable indirect costs.

(6) Total administrative costs: Any amount by which total administrative costs, as defined in the cost report, exceed a maximum percentage of total costs established by the department.

(Department of Child Services; 465 IAC 2-17-23; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-24 Independent review of administrative payment rate setting methodology

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 24. An independent third party contractor will conduct an annual review of the department's administrative payment rate setting methodology. *(Department of Child Services; 465 IAC 2-17-24; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-25 Behavioral health

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 25. (a) Counseling, therapy, skill building, behavioral health management, and other behavioral health services to meet the behavioral healthcare needs of the child may be provided by the CPA upon separate authorization from the department.

(b) Effective no earlier than January 1, 2012, for children who are Medicaid eligible, behavioral health costs shall be billed to:

(1) Medicaid for services authorized by the department that are Medicaid eligible; and

(2) the department through a contract with the department for services authorized by the department that are not covered by Medicaid.

(c) If subsection (b) does not apply and if private insurance is not available or does not cover the costs of services or treatment, behavioral health costs shall be billed to the department through a contract with the department for services authorized by the department. *(Department of Child Services; 465 IAC 2-17-25; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-26 Health and medical services or treatment

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 26. The department will pay for health and medical services or treatment, including prescription medication, directly to the service provider, on behalf of children within the department or probation's system of care who are placed in foster care through a CPA if:

(1) Medicaid denies a claim; or

(2) the child is not Medicaid eligible and private insurance is not available or does not cover the costs of services or treatment.

(Department of Child Services; 465 IAC 2-17-26; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

465 IAC 2-17-27 Review of the administrative payment and other cost based rates

Authority: IC 31-25-2-18
Affected: IC 4-21.5-3-1; IC 4-21.5-3-2; IC 31-25-2-7; IC 31-27-6

Sec. 27. (a) A CPA may request a review of the administrative payment and other cost based rates approved by the department as stated in a notice letter issued in accordance with section 21(g) and (i) *[section 21(g) and 21(i)]* of this rule. A CPA may request a review of the administrative payment and other cost based rates when it believes that:

(1) errors have been made in the:

(A) cost report submitted to the department under section 21(d) of this rule;

(B) calculation of the administrative payment in accordance with section 21 and 23 *[sections 21 and 23]* of this rule; or

(C) the determination by the department of the reasonableness of any cost; or

(2) the determination of the administrative payment by the department has an adverse impact on child welfare in Indiana that an existing provider in the state of Indiana cannot adequately address.

(b) A request for review of the administrative payment approved by the department must be submitted in writing to the department no later than thirty (30) days after the department mails the notice letter to the CPA pursuant to section 21(g) or (i) *[section 21(g) or 21(i)]* of this rule. The time limit for submitting a request for review under this section will be determined under the applicable provisions of IC 4-21.5-3-1 and IC 4-21.5-3-2.

(c) The request for review of the administrative payment shall be submitted in the form and manner specified by the department and shall include, but not be limited to, the following items:

(1) Identification of the current administrative payment and approved new administrative payment, as applicable to a specific program or service offered by the CPA.

(2) An itemized statement of administrative and indirect costs that the CPA considers allowable under the provisions of this rule.

(3) A clear, concise statement of the reasons for the requested change.

(4) A detailed statement of related information in support of the requested change.

The department will not accept or process an incomplete request for review of the administrative payment that does not include at least the items specified in this subsection.

(d) No request for review of the administrative payment will be acted upon if the CPA has a current license that is in the process of being revoked by the department.

(e) The department will conduct a review of the administrative payment and send notice of its decision to the CPA within thirty (30) days of receiving the request for review under this section. *(Department of Child Services; 465 IAC 2-17-27; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-28 Appeal of the administrative payment and other cost based rates

Authority: IC 31-25-2-18
Affected: IC 4-21.5-3; IC 31-25-2-7; IC 31-27-6

Sec. 28. (a) A CPA may request an appeal of the department administrative review decision under section 27 of this rule by submitting a written request within fifteen (15) days of receipt of the notice specified in section 27(e) of this rule for appeal under the applicable provisions of IC 4-21.5-3-7(a).

(b) Except as otherwise provided in this section, all provisions of IC 4-21.5-3 apply to appeals requested under subsection (a).

(c) The following provisions of IC 4-21.5-3 do not apply to appeals under this section:

(1) IC 4-21.5-3-4.

(2) IC 4-21.5-3-6.

(3) IC 4-21.5-3-8, relating to sanctions and temporary orders.

(4) IC 4-21.5-3-14(c), relating to burden of proof.

(d) The general counsel of the department will designate administrative law judges for purposes of appeals under this section.

(e) In any appeal under this section the CPA has the burden of proof and the burden of persuasion to establish, by a preponderance of the evidence, that the department's decision following the administrative review is erroneous, based on a reason specified in section 27(a) of this rule.

(f) Unless a continuance is granted under subsection (g), the assigned administrative law judge will hold an administrative hearing not more than sixty (60) days after the department receives the written request. Unless a continuance is granted as provided in this section, hearings will be scheduled and held in the order in which the appeals are assigned to the administrative law judge, taking into consideration administrative hearings requested in other pending matters and any applicable deadlines established by law or rule.

(g) The administrative law judge may grant a continuance of the date for a hearing scheduled in accordance with subsection (f), for any of the following reasons:

(1) The petitioner files a written motion for continuance specifying the reasons for the request and alternate dates when the petitioner will be available and prepared to go forward with the hearing.

(2) The department files a written motion for continuance for good cause, determined under subsection (h).

(3) The administrative law judge orders a continuance for good cause, determined under subsection (i).

(h) The following shall constitute good cause for granting a continuance of a scheduled hearing date requested by the department:

(1) A necessary witness, or the counsel or other necessary representative of the department, is or will be unavailable on the scheduled hearing date, for a reason or reasons that could not have been anticipated at the time the hearing was scheduled.

(2) A motion or other proceeding relating to the appeal is pending that could be dispositive of the appeal, or otherwise materially affect the course or conduct of the hearing.

(3) Any other good cause, as determined by the administrative law judge at a prehearing conference on the motion for continuance.

(i) The following shall constitute good cause for granting a continuance of a scheduled hearing date on motion of the administrative law judge:

(1) Unanticipated congestion of the hearing calendar of the assigned administrative law judge.

(2) Unavailability of the assigned administrative law judge due to unforeseen circumstances, or a change in the judge assigned to the appeal for a reason consistent with any provision of IC 4-21.5-3.

(3) Any other good cause, as determined by the general counsel of the department or the general counsel's designee.

A continuance under this subsection shall be granted by a written order stating the reason or reasons for the continuance and entered in the record of the proceedings.

(j) If a hearing continuance is granted under subsection (g) the administrative law judge shall promptly schedule and conduct a prehearing conference under IC 4-21.5-3-18 to address the rescheduling of the hearing and any other matters relating to expediting decision of the appeal or otherwise resolving the issues presented.

(k) The administrative law judge may, with the consent of the parties, consolidate two (2) or more pending appeals that involve the same or substantially similar facts or issues, for purposes of a hearing and decision under this section.

(l) Unless an extension of time is granted by the general counsel of the department for good cause stated on the record, an administrative law judge will issue a decision within ninety (90) days after completion of the hearing.

(m) Under IC 4-21.5-3-34 and IC 4-21.5-3-35, the department may by policy provide additional procedures to facilitate the expeditious conduct and disposition of administrative appeals under this section, or informal settlement of matters that are the subject of administrative appeals, not inconsistent with the provisions of this rule and applicable provisions of IC 4-21.5-3. A copy of any written policies or procedures relating to administrative appeals to which this section applies will be provided to each party or designated representative upon receipt of an appeal submitted under this section. *(Department of Child Services; 465 IAC 2-17-28; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-29 Rate in effect during pendency of review and appeal of the administrative payment

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 29. (a) The department will pay, during the time the administrative payment is being reviewed or appealed, the amount

stated in the most recent administrative payment notice letter that was mailed to the CPA in accordance with Section 21(g) or (i) *[section 21(g) or 21(i) of this rule]*.

(b) Any payments made by the department or received by the CPA after the effective date in the notice letter mailed to the CPA in accordance with Section 21(g) or (i) *[section 21(g) or 21(i) of this rule]* will be adjusted in accordance with the final approved payment amount following completion of the administrative review under section 28 of this rule and any administrative appeal under section 29 of this rule *[this section]*, retroactive to the effective date of the notice letter. *(Department of Child Services; 465 IAC 2-17-29; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-30 Initial review of the child's category of supervision

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 30. (a) A CPA may request a review of the child's category of supervision as determined in accordance with section 20 of this rule.

(b) A request by a CPA for review of the child's category of supervision must be submitted in writing to the FCM or probation officer who manages the child's case plan no later than thirty (30) days after the written notice of the child's category of supervision has been sent to the CPA. Notice is effective upon mailing of the notice disclosing the child's category of supervision to the CPA's address. A request for review of the child's initially approved category of supervision submitted more than thirty (30) days after the notice of the child's category of supervision was mailed will not be considered.

(c) The request for review of the child's category of supervision shall be submitted in the form and manner specified by the department and shall include, but not be limited to, the following items:

(1) Identification of the child's current category of supervision.

(2) A clear, concise statement of the reasons for the requested change.

(3) A detailed statement of related information in support of the change.

An incomplete request for review of the child's category of supervision that does not include at least the items specified in this subsection cannot be accepted or processed.

(d) When a request for a review of the category of supervision that complies with subsection (c) is received, the FCM or probation officer will hold a meeting with the CPA and foster parent to discuss the needs of the child within fourteen (14) days of the request for review. The department's local office director or designee or the chief probation officer or designee must be in attendance at this meeting. Notice of the outcome of the review must be given by the department's local office director or designee or the chief probation officer or designee, in writing, to the CPA within five (5) business days of the meeting.

(e) No request for review of the child's category of supervision will be acted upon if the CPA has a current license that is in the process of being revoked by the department.

(f) The payment for enhanced supervision needs, as determined by the child's category of supervision established under section 20 of this rule, will remain in effect while the request for review of the child's category of supervision is pending the result of the review. The child's category of supervision, as affirmed or revised by the department's local office director or designee or the chief probation officer or designee upon completion of the review, will be effective as of the date of the notice of the outcome of the review. Any payments made by the department after the effective date will be adjusted in accordance with the final approved category of supervision for the child. *(Department of Child Services; 465 IAC 2-17-30; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-31 Review of the child's category of supervision after the initial assessment has been completed

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 31. (a) A CPA may request a review of the child's category of supervision at a critical case juncture or when the CPA reasonably believes there is relevant, new, or changed information about the child's supervisory needs that were not adequately addressed in the approved assessment tool or during discussions about the type of placement before the placement occurred. A CPA may request a review of the child's category of supervision when there are supervisory or behavioral concerns that are not

adequately addressed by the approved assessment tool. Any change in the child's category of supervision must coincide with a newly completed approved assessment tool. Whether the child should be reassessed on the approved assessment tool is a decision made at the discretion of the department's local office director or designee or the chief probation officer or designee.

(b) The CPA may request review under this section not more than one (1) time in a six (6) month period that the child is in out-of-home placement.

(c) A request by a CPA for review of the child's category of supervision for reasons outlined in subsection (a) must be submitted timely and in writing to the FCM or probation officer who manages the child's case.

(d) The request for review of the child's category of supervision shall be submitted in the form and manner specified by the department and shall include, but not be limited to, the following items:

(1) Identification of the child's current category of supervision.

(2) A clear, concise statement of the reasons for the requested change.

(3) A detailed statement of related information in support of the change.

An incomplete request for review of the child's category of supervision that does not include at least the items specified in this subsection cannot be accepted or processed.

(e) When a request for a review of the category of supervision that complies with subsection (d) is received, the FCM or probation officer will hold a meeting with the CPA and foster parent to discuss the needs of the child within fourteen (14) days of the request for review. The department's local office director or designee or the chief probation officer or designee must be in attendance at this meeting. Notice of the outcome of the review must be given by the department's local office director or designee or the chief probation officer or designee must be given, in writing, to the CPA within five (5) business days of the meeting.

(f) No request for review of the child's category of supervision will be acted upon if the CPA has a current license that is in the process of being revoked by the department.

(g) The payment for enhanced supervision needs, as determined by the child's category of supervision established under section 20 of this rule or section 30 of this rule *[section 20 or 30 of this rule]* will remain in effect while the request for review of the child's category of supervision is pending the result of the review. The child's category of supervision, as affirmed or revised by the department's local office director or designee or the chief probation officer or designee upon completion of the review, will be effective as of the date of the notice of the outcome of the review. Any payments made by the department after the effective date will be adjusted in accordance with the final approved category of supervision for the child. *(Department of Child Services; 465 IAC 2-17-31; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)*

465 IAC 2-17-32 Documents incorporated by reference

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-6

Sec. 32. The following federal regulations, as in effect on the effective date of this rule, are incorporated by reference in this rule. Copies may be obtained from the United States Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401; may be viewed or downloaded electronically at www.gpoaccess.gov, or its successor; or are available for review and copying at the Indiana Department of Child Services, Indiana Government Center South, 302 West Washington Street, Room E306, Indianapolis, IN 46204:

(1) 2 CFR Part 225 (OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments).

(2) 2 CFR Part 230 (OMB Circular A-122, Cost Principles for Nonprofit Organizations).

(3) 48 CFR Part 31, Section 201-3 (Determining Reasonableness).

(Department of Child Services; 465 IAC 2-17-32; filed May 25, 2011, 1:33 p.m.: 20110622-IR-465100417FRA)

Rule 18. Rate Setting for Department-Managed Foster Homes

465 IAC 2-18-1 Scope and purpose

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 1. (a) Every foster home in the state of Indiana must be licensed by the department in accordance with state law in order for the department to recommend placement of a child with a foster home or pay for the costs of such placement.

(b) This rule establishes the procedures the department will use for determining and making maintenance payments and other payments to foster parents of children placed by the department or a probation department for foster care in licensed foster homes. *(Department of Child Services; 465 IAC 2-18-1; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-2 Applicability of definitions

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 2. The definitions in sections 3 through 12 of this rule apply throughout this rule. *(Department of Child Services; 465 IAC 2-18-2; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-3 "Approved assessment tool" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4; IC 31-34; IC 31-37; IC 33-38-9-3

Sec. 3. (a) "Approved assessment tool" in the case of a child placed in foster care through a child in need of services case under IC 31-34, means the approved department assessment tool, which is a department designated, child-appropriate instrument for the assessment of child functional impairment that is selected or approved by the department, and that is used by the department to assist in assessing the needs and strengths of children within the department's system of care.

(b) "Approved assessment tool" in the case of a child placed in foster care through a juvenile delinquency case under IC 31-37, means the approved probation assessment tool, which is a child-appropriate instrument for the assessment of child functional impairment that is designated by the board of directors of the judicial conference of Indiana established by IC 33-38-9-3, for use by a probation department to assist in assessing the needs and strengths of children under supervision of the probation department. *(Department of Child Services; 465 IAC 2-18-3; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-4 "Critical case juncture" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 4. "Critical case juncture" means an event or episode, as determined by the department or a probation department, involving the child or family that has caused or may cause a disruption in the child's placement. *(Department of Child Services; 465 IAC 2-18-4; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-5 "Department" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-1-1; IC 31-25-2-7; IC 31-27-4

Sec. 5. "Department" means the Indiana department of child services established by IC 31-25-1-1. *(Department of Child Services; 465 IAC 2-18-5; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-6 "Enhanced supervision" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 6. "Enhanced supervision" means additional daily supervision that a foster parent will be required to provide for a child with extraordinary needs, based on categories of supervision established by the department. *(Department of Child Services; 465*

IAC 2-18-6; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)

465 IAC 2-18-7 "Family case manager" or "FCM" defined

Authority: IC 31-25-2-18
Affected: IC 31-9-2-11; IC 31-25-2-5; IC 31-25-2-7; IC 31-27-4

Sec. 7. "Family case manager" or "FCM" means a caseworker, as defined in IC 31-9-2-11, who is described in IC 31-25-2-5. *(Department of Child Services; 465 IAC 2-18-7; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-8 "Foster home" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 8. "Foster home" means a home that is licensed under IC 31-27-4 or under a comparable law in the state in which the home is located. *(Department of Child Services; 465 IAC 2-18-8; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-9 "Maintenance payment" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4; IC 31-40-1-2

Sec. 9. "Maintenance payment" means payments made by the department to the foster parent to cover the reasonable cost of, and the reasonable cost of providing, the following items on behalf of a child placed by the department or a probation department, for whom the department is responsible for payment of the cost of child services under IC 31-40-1-2:

(1) Food.
(2) Clothing.
(3) Shelter.
(4) Daily supervision.
(5) Travel expenses incurred for the following purposes:
    (A) Visitation with the child's family.
    (B) Travel to and from the child's school.
(6) Personal incidentals for the child.
(7) School supplies.

(Department of Child Services; 465 IAC 2-18-9; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)

465 IAC 2-18-10 "Probation department" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4; IC 31-37

Sec. 10. "Probation department" means the office of a juvenile court in a county that is responsible for care and supervision of a child placed in an out-of-home placement by a dispositional decree under IC 31-37. *(Department of Child Services; 465 IAC 2-18-10; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-11 "Public hearing" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 11. "Public hearing" means a hearing, open to the public, for the department to accept comments, suggestions, and feedback related to annual review of the maintenance payment as set by the mechanisms in this rule. *(Department of Child Services; 465 IAC 2-18-11; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-12 "Title IV-E" defined

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 12. "Title IV-E" means the following:

(1) Title IV-E of the Social Security Act as codified in 42 U.S.C. 671 et seq.

(2) Regulations of the U.S. Department of Health and Human Services, Administration on Children, Youth and Families (ACYF), applicable to Title IV-E of the Social Security Act, as codified in 45 CFR Part 1355 and 45 CFR Part 1356.

(3) Official interpretations of Title IV-E of the Social Security Act and applicable regulations by the federal administering agency, as published in the Child Welfare Policy Manual issued by the Children's Bureau of the ACYF.

(Department of Child Services; 465 IAC 2-18-12; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)

465 IAC 2-18-13 Annual public comment period; public hearing

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 13. (a) An annual period of public comment will be open for at least thirty (30) days preceding an annual public hearing. The public comment time period will allow each foster parent and other interested persons or organizations to communicate ideas, suggestions, or other comments regarding the rate setting methodology in writing or via e-mail to the department at an address specified in notices posted by the department on its website.

(b) At least one (1) public hearing regarding the rate setting methodology will be held on an annual basis at an address specified in a notice posted by the department on the department's website.

(c) Notice of a public hearing will be posted on the department's website for a period of at least thirty (30) consecutive days immediately before the date scheduled for the hearing.

(d) The department may, in addition to posting information on its website, provide public notice of the time and place of a scheduled public hearing through advertisement or publication in news media or posting in locations accessible to the public.

(Department of Child Services; 465 IAC 2-18-13; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)

465 IAC 2-18-14 Payments to foster parents

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 14. (a) Every child under the care and control of the department or a probation department in a foster home setting is entitled to a maintenance payment. The foster parent or parents will receive a maintenance payment in the form of a per diem payment. All payments will be made monthly, at the time and in the manner determined by the department, for foster care provided during the preceding calendar month.

(b) The amount of a maintenance payment payable as provided in this section may vary based upon the age of the child.

(c) The foster parent or parents may receive an additional amount of properly claimed travel expenses incurred for a child placed in the foster home. The additional travel expenses will be paid if:

(1) the foster parent travels in excess of the cost of travel that is paid through the maintenance payment; and

(2) the travel is for one (1) or more of the following purposes and is consistent with the child's individual case plan or a court order:

(A) Travel for visitation with the child's family.

(B) Travel between the foster family home and the school in which the child was enrolled before placement and continues to be enrolled while residing with the foster family, to the extent that school transportation is not required to be provided under applicable Indiana law by a public school corporation or other state or local agency.

(C) Travel to physical or behavioral health appointments.

(D) Travel for involvement in or attendance at:

(i) administrative or judicial case reviews;

(ii) case conferences or team meetings; or

(iii) foster parent training.

(E) Other travel approved in writing in advance by the department.

(d) The foster parent or parents may receive an additional amount for enhanced supervision based on the category of supervision applicable to the child. The department or a probation department is responsible for determining the child's assessed category of supervision by utilizing the applicable approved assessment tool and input from the persons involved in the child's case to determine the appropriate category of supervision. The enhanced supervision payment may increase or decrease based on the child's needs at the time of a reassessment.

(e) Except as provided in this subsection, the department will not pay an additional amount for enhanced supervision until after the approved assessment tool has been completed. The department may, in exceptional circumstances, as determined by the department, pay an amount greater than the maintenance payment at the time of placement and before completion of the approved assessment tool. In considering whether to approve a greater payment under this subsection, the department shall consider the child's specific, previously identified needs for enhanced supervision that would require additional payment of a temporary enhanced supervision amount prior to the determination of an appropriate enhanced supervision amount under subsection (d).

(f) To the extent consistent with the child's assessed needs, a foster parent may also receive payment for costs of caring for a child that are not included in the maintenance payment, if such costs are determined by the department to be prudent and reasonably necessary in order to serve the child's needs in connection with the child's permanency plan or other plan of care and treatment. The department will pay for those approved costs in accordance with department policies as such policies are published by the department from time to time.

(g) The department will make foster care liability insurance available to foster parents. *(Department of Child Services; 465 IAC 2-18-14; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-15 Establishment and adjustment of the maintenance payment and enhanced supervision payment

Authority: IC 31-25-2-18

Affected: IC 31-25-2-7; IC 31-27-4

Sec. 15. (a) The department shall commission an independent contractor to conduct a study, using primary and secondary data, to assist the department with the determination of the reasonable costs of caring for a foster child in Indiana in accordance with requirements and guidelines as set forth in Title IV-E.

(b) The study will consider the age of a child and the relevant costs associated with the care of children, including children in foster care.

(c) From this study, the independent contractor will construct a model of maintenance payments. The study will provide information to the department so that the department can establish appropriate maintenance payment rates and enhanced supervision payment rates. The completed study will provide the methodology for calculating future adjustments to maintenance payments, if any, as underlying costs change.

(d) The department will determine the maintenance payment rate that will be paid to all foster parents.

(e) The department will determine the enhanced supervision payment rates, which shall correspond to the categories of supervision established by the approved assessment tool as defined in section 3(a) of this rule.

(f) The maintenance payment rates and enhanced supervision rates will be reviewed annually and adjusted in accordance with subsection (c).

(g) The department will publish the current maintenance payment and enhanced supervision rates in the foster family home provider manual maintained by the department on the department's website.

(h) The department may, at its discretion, develop and implement pilot programs by written agreement with a foster home or group of foster homes, that may include payment amounts or procedures during a specified time period that differ from the amounts or procedures determined under this section. *(Department of Child Services; 465 IAC 2-18-15; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-16 Initial review of the child's category of supervision

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 16. (a) A foster parent may request a review of the child's category of supervision as determined in accordance with section 14 of this rule.

(b) A request by a foster parent for review of the child's category of supervision must be submitted in writing to the FCM or probation officer who manages the child's case plan no later than thirty (30) days after the written notice of the child's category of supervision has been sent to the foster parent. Notice is effective upon mailing of the notice disclosing the child's category of supervision to the foster parent's address. A request for review of the child's initially approved category of supervision submitted more than thirty (30) days after the notice of the child's category of supervision was mailed will not be considered.

(c) The request for review of the child's category of supervision shall be submitted in the form and manner specified by the department and shall include, but not be limited to, the following items:

(1) Identification of the child's current category of supervision.

(2) A clear, concise statement of the reasons for the requested change.

(3) A detailed statement of related information in support of the change.

An incomplete request for review of the child's category of supervision that does not include at least the items specified in this subsection cannot be accepted or processed.

(d) When a request for a review of the category of supervision that complies with subsection (c) is received, the FCM or probation officer will hold a meeting with the foster parent to discuss the needs of the child within fourteen (14) days of the request for review. The department's local office director or designee, or the chief probation officer or designee, must be in attendance at this meeting. Notice of the outcome of the review must be given by the department's local office director or designee or the chief probation officer or designee, in writing, to the foster parent within five (5) business days of the meeting.

(e) No request for review of the child's category of supervision will be acted upon if the foster parent has a current license that is in the process of being revoked by the department.

(f) The payment for enhanced supervision needs, as determined by the child's category of supervision, established under section 14 of this rule, will remain in effect while the request for review of the child's category of supervision is pending the result of the review. The child's category of supervision, as affirmed or revised by the department's local office director or designee, or the chief probation officer or designee, upon completion of the review, will be effective as of the date of the notice of the outcome of the review. Any payments made by the department to the foster parent after the effective date will be adjusted in accordance with the final approved category of supervision for the child. *(Department of Child Services; 465 IAC 2-18-16; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

465 IAC 2-18-17 Review of the child's category of supervision after the initial assessment has been completed

Authority: IC 31-25-2-18
Affected: IC 31-25-2-7; IC 31-27-4

Sec. 17. (a) A foster parent may request a review of the child's category of supervision at a critical case juncture or when the foster parent reasonably believes there is relevant, new, or changed information about the child's supervisory needs that were not adequately addressed in the approved assessment tool or during discussions about the type of placement before the placement occurred. A foster parent may request a review of the child's category of supervision when there are supervisory or behavioral concerns that are not adequately addressed by the approved assessment tool. Any change in the child's category of supervision must coincide with a newly completed approved assessment tool. Whether the child should be reassessed on the approved assessment tool is a decision made at the discretion of the department's local office director or designee, or the chief probation officer or designee.

(b) The foster parent may request review under this section not more than one (1) time in a six (6) month period that the child is in out-of-home placement.

(c) A request by a foster parent for review of the child's category of supervision for reasons outlined in subsection (a) must be submitted timely and in writing to the FCM or probation officer who manages the child's case.

(d) The request for review of the child's category of supervision shall be submitted in the form and manner specified by the department and shall include, but not be limited to, the following items:

(1) Identification of the child's current category of supervision.

(2) A clear, concise statement of the reasons for the requested change.

(3) A detailed statement of related information in support of the change.

An incomplete request for review of the child's category of supervision that does not include at least the items specified in this subsection cannot be accepted or processed.

(e) When a request for a review of the category of supervision that complies with subsection (d) is received, the FCM or probation officer will hold a meeting with the foster parent to discuss the needs of the child within fourteen (14) days of the request for review. The department's local office director or designee, or the chief probation officer or designee, must be in attendance at this meeting. Notice of the outcome of the review must be given by the department's local office director or designee, or the chief probation officer or designee, in writing, to the foster parent within five (5) business days of the meeting.

(f) No request for review of the child's category of supervision will be acted upon if the foster parent has a current license that is in the process of being revoked by the department.

(g) The payment for enhanced supervision as determined under section 14 or section 16 of this rule will remain in effect while the request for review of the child's category of supervision is pending the result of the review. The child's category of supervision, as affirmed or revised by the department's local office director or designee, or the chief probation officer or designee, upon completion of the review, will be effective as of the date of the notice of the outcome of the review. Any payments made by the department to the foster parent after the effective date will be adjusted in accordance with the final approved category of supervision for the child. *(Department of Child Services; 465 IAC 2-18-17; filed May 9, 2011, 3:58 p.m.: 20110608-IR-465100463FRA)*

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