

## ARTICLE 2. CHILD WELFARE SERVICES

### Rule 1. Licensing of Boarding Homes for Children

#### 465 IAC 2-1-1 Definition of "foster parent" and "foster parents"

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 1. The terms "foster parent" and "foster parents" as used in the rules and regulations for licensing of boarding homes for children are defined to be the person or persons to whom a license to operate, maintain or conduct a boarding home for children is granted by the State Department of Public Welfare, and the spouse of the person so licensed, if living within the boarding home described in said license.

Sec. 5(c), Welfare Act; Sec. 3, Ch. 349, Acts 1945; Burns 52-1104

Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 (*Department of Child Services; Title 3, Ch 1, Definitions; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1829; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-1) to the Department of Child Services (465 IAC 2-1-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

#### 465 IAC 2-1-2 Definition of "boarding home for full-time care of children"

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 2. Boarding Home Giving Full-Time Care to Children, Definition. A boarding home for full-time care of children is defined as a place of residence where the child is cared for both day and night.

Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 (*Department of Child Services; Title 3, Ch 1, Reg 3-101; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1829; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-2) to the Department of Child Services (465 IAC 2-1-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.

#### 465 IAC 2-1-3 Foster family; full-time care; health; income; adult boarders; records and reports

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 3. Foster Family—Full-Time Care. (a) Foster parents shall be mature individuals who are capable of exercising and do exercise good judgment in the handling of a child.

(b) The health of all members of the foster family or other individuals living in the home shall be such that it will not be detrimental to the health and welfare of the foster children. A statement from a duly licensed physician and such other evidence of good health as may be required of the foster family by the State Department of Public Welfare shall be furnished.

(c) There shall be sufficient income and resources in the home to insure a reasonable living standard within the boarding home and proper care for the children.

(d) No adult boarder or roomer shall be permitted to live in the boarding home for full-time care except with the consent of the State Department of Public Welfare.

(e) The licensee shall report to the county department of public welfare or licensed child-placing agency or any other designated representative of the State Department of Public Welfare any change in the home conditions affecting the welfare of the children, such as the number of persons living in the home, change in residence or in the use of rooms, reduction of income, or employment of foster mother.

(f) Each foster mother shall keep a record of the names of children admitted, the time of admission, the time of release, and any other specific information required by the agency authorized by law to supervise the home.

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

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 1, Reg 3-102; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1830; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-3) to the Department of

*Child Services (465 IAC 2-1-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

**465 IAC 2-1-4 Housing; full-time care; standards and requirements**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 4. Housing—Full-Time Care. (a) The boarding home for full-time care of children shall not be located where unusual conditions exist that would be hazardous to the physical or moral welfare of the child.

(b) The home shall be heated to provide for comfort, and the heat of all rooms used for infants shall provide at all times a temperature of at least seventy degrees Fahrenheit.

(c) The home shall be kept free from all unnecessary fire hazards.

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

(e) Facilities for proper bathing shall be provided.

(f) The room used for eating shall be sufficiently large to enable the foster children and foster family to eat together as a normal family group.

(g) Sleeping rooms shall have adequate ventilation for health, safety and welfare of the child. Each child shall have an individual bed equipped with springs, mattress and suitable bed clothing in a room used exclusively as a sleeping room; provided, however, that in unusual circumstances involving the welfare of children this requirement may be waived by the State Department of Public Welfare.

(h) There shall be closet and drawer space provided for each child's possessions.

(i) Proper facilities and opportunity shall be provided for school children to study.

(j) Recreational facilities shall be made available for indoor and outdoor play.

(k) Boarding homes for full-time care of children shall conform to all rules and regulations of the local police, fire and safety authorities and of the State Fire Marshal as to fire and safety protection and to all laws pertaining thereto.

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 1, Reg 3-103; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1830; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-4) to the Department of Child Services (465 IAC 2-1-4) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-5 Sanitation; full-time care**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 5. Sanitation—Full-Time Care. (a) The boarding home for full-time care of children shall conform to the sanitary laws and ordinances of the State and the city or town in which it is located. It shall be kept clean and in a fit sanitary condition. Windows and doors shall be screened as required by the climatic conditions.

(b) The milk supply, the water supply and the sewage disposal shall conform to the standards set by the State Board of Health under its rules and regulations and all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

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 1, Reg 3-104; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-5) to the Department of Child Services (465 IAC 2-1-5) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-6 Health; full-time care; communicable diseases; medical treatment; health regulations**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

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Sec. 6. Health–Full-Time Care. (a) A child suffering from a communicable or a contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

(b) If a person in the boarding home for full-time care of children should contract a communicable disease, the foster child shall not be permitted to remain there unless suitable health precautions are taken for protection of the child.

(c) The foster parents shall cooperate with the parents or person in loco parentis in providing proper medical treatment for the foster child.

(d) Boarding homes for full-time care of children shall conform to all rules and regulations of the local health authorities and the State Board of Health as to diet, medical care and sanitation and to all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

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 1, Reg 3-105; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-6) to the Department of Child Services (465 IAC 2-1-6) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-7 Food; full-time care**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 7. Food–Full-Time Care. (a) Foster parents shall show a reasonable knowledge of the principles governing the feeding of children.

(b) Food supplied to children shall be of good quality, properly prepared, and sufficient in quantity to meet their individual needs.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Department of Child Services; Title 3, Ch 1, Reg 3-106; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-7) to the Department of Child Services (465 IAC 2-1-7) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-8 Personal care of child in boarding home for full-time care of children; supervision; education; religion**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 8. Personal Care of the Child in the Boarding Home–Full-Time Care. (a) Each child shall receive the same treatment as members of the foster family. Each child shall be treated as the foster parents' child insofar as participation in normal family life is concerned. No child shall be subjected to cruelty, neglect or exploitation.

(b) In the absence of the foster parents, reliable supervision shall be provided by the foster parents for any child living in the home.

(c) Foster parents shall cooperate with the parents or person in loco parentis in providing education for each child in accordance with the ability of each child.

(d) The religion of each child shall be given preference in planning for his attendance at Sunday School or Church.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Department of Child Services; Title 3, Ch 1, Reg 3-107; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-8) to the Department of Child Services (465 IAC 2-1-8) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-9 Definition of "intermediate boarding home for the care of children;" emergency placement**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 9. Boarding Home for the Intermediate Care of Children, Definition. An intermediate boarding home for the care of children is defined as a place of residence where the facilities of the home are available at all times for children in need of emergency

placement for a temporary period.

Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 (*Department of Child Services; Title 3, Ch 1, Reg 3-108; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-9) to the Department of Child Services (465 IAC 2-1-9) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-10 Foster family; intermediate care; requirements**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 10. Foster Family–Intermediate Care. (a) Foster parents shall be mature individuals who are capable of exercising and do exercise good judgment in the handling of a child.

(b) The health of all members of the foster family or other individuals living in the home shall be such that it will not be detrimental to the health and welfare of the foster children. A statement from a duly licensed physician and such other evidence of good health as may be required of the foster family by the State Department of Public Welfare shall be furnished.

(c) There shall be sufficient income and resources in the home to insure a reasonable living standard within the boarding home and proper care for the children.

(d) No adult boarder or roomer shall be permitted to live in the intermediate boarding home except with the consent of the State Department of Public Welfare.

(e) The licensee shall report to the county department of public welfare or licensed child-placing agency or any other designated representative of the State Department of Public Welfare any change in the home conditions affecting the welfare of the children, such as the number of persons living in the home, change in residence or in the use of rooms, reduction of income, or employment of foster mother.

(f) Each foster mother shall be responsible for keeping a record of the names of children admitted, the time of admission, the time of release, and any other specific information required by the agency authorized by law to supervise the home.

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

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 1, Reg 3-109; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-10) to the Department of Child Services (465 IAC 2-1-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-11 Housing, intermediate care; standards and requirements**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 11. Housing–Intermediate Care. (a) The intermediate boarding home for care of children shall not be located where unusual conditions exist that would be hazardous to the physical or moral welfare of the child.

(b) The home shall be heated to provide for comfort, and the heat of all rooms used for infants shall provide at all times a temperature of at least seventy degrees Fahrenheit.

(c) The home shall be kept free from all unnecessary fire hazards.

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

(e) There shall be in each intermediate boarding home for children a complete bath room.

(f) The room used for eating shall be sufficiently large to enable the foster children and foster family to eat together as a normal family group.

(g) Sleeping rooms shall have adequate ventilation for health, safety and welfare of the children. Each child shall have an individual bed equipped with springs, mattress and suitable bed clothing in a room used exclusively as a sleeping room; provided, however, that in unusual circumstances involving the welfare of children this requirement may be waived by the State Department of Public Welfare.

(h) There shall be in each intermediate boarding home for children a separate closet or locker space available for each child

or a receptacle shall be provided where each child's clothing may be kept apart from the clothing of the group.

(i) Proper facilities and opportunity shall be provided for school children to study.

(j) Each intermediate boarding home for the care of children shall have adequate recreational equipment suitable for children who will be using the home.

(k) The rooms of the intermediate boarding home for care of children shall be so arranged that, if necessary, children may be isolated.

(l) No intermediate boarding home for the care of children shall be licensed for more than three children under two years of age or six children over two years of age unless special and adequate facilities are available.

(m) Intermediate boarding homes for children shall conform to all rules and regulations of the local police, fire and safety authorities and of the State Fire Marshal as to fire and safety protection and to all laws pertaining thereto.

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 1, Reg 3-110; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1834; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-11) to the Department of Child Services (465 IAC 2-1-11) by P.L.234-2005, SECTION 195, effective July 1, 2005.

#### **465 IAC 2-1-12 Sanitation; intermediate care**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 12. Sanitation–Intermediate Care. (a) The intermediate boarding home shall conform to the sanitary laws and ordinances of the State and the city or town in which it is located. It shall be kept clean and in a fit sanitary condition. Windows and doors shall be screened as required by the climatic conditions.

(b) The milk supply, the water supply and sewage disposal shall conform to the standards set by the State Board of Health under its rules and regulations and all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

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 1, Reg 3-111; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1836; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-12) to the Department of Child Services (465 IAC 2-1-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.

#### **465 IAC 2-1-13 Health; intermediate care; physical examination**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 13. Health–Intermediate Care. (a) A child suffering from a communicable or contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

(b) If a person in the intermediate boarding home should contract a communicable disease, the foster child shall not be permitted to remain there unless suitable health precautions are taken for protection of the child.

(c) The foster parents shall cooperate with the parents or person in loco parentis in providing proper medical treatment for the foster child.

(d) Boarding homes for intermediate care of children shall conform to all rules and regulations of the local health authorities and the State Board of Health as to diet, medical care and sanitation and to all laws pertaining thereto.

(e) If a child is admitted to the intermediate boarding home without a physical examination, he shall be examined by a duly licensed physician within twenty-four hours of admission to the home.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

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 1, Reg 3-112; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1836; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-13) to the Department of

*Child Services (465 IAC 2-1-13) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

**465 IAC 2-1-14 Food; intermediate care**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 14. Food–Intermediate Care. (a) Foster parents shall show a reasonable knowledge of the principles governing the feeding of children.

(b) Food supplied to children shall be of good quality, properly prepared, and sufficient in quantity to meet their individual needs.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Department of Child Services; Title 3, Ch 1, Reg 3-113; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1837; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-14) to the Department of Child Services (465 IAC 2-1-14) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-15 Personal care of child; intermediate care; supervision; education; religion**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 15. Personal Care of the Child–Intermediate Care. (a) Each child shall receive the same treatment as members of the foster family. Each child shall be treated as the foster parents' child insofar as participation in normal family life is concerned. No child shall be subjected to cruelty, neglect or exploitation.

(b) In the absence of the foster parents, reliable supervision shall be provided by the foster parents for any child living in the home.

(c) Foster parents shall cooperate with the parents or person in loco parentis in providing education for each child in accordance with the ability of each child.

(d) The religion of each child shall be given preference in planning for his attendance at Sunday School or Church.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Department of Child Services; Title 3, Ch 1, Reg 3-114; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1837; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-15) to the Department of Child Services (465 IAC 2-1-15) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-1-16 Foster parent training**

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 16. (a) Each foster parent applicant shall successfully complete as a part of the family preparation process, a twenty (20) hour preservice training course, as specified by the division of family and children, prior to being initially licensed as a foster home.

(b) Each foster parent applicant shall submit evidence of the successful completion of a current course in first aid prior to licensure and retake the first aid course every three (3) years. An updated Red Cross first aid manual or its equivalent shall be available in the foster home.

(c) If the licensed child placing agency or county department of public welfare documents an emergency need for licensing to facilitate placement of a foster child when no other home is available, the division of family and children may approve a foster parent for licensure who does not comply with subsections (a) through (b). Each such foster parent shall complete the preservice training course within six (6) months of licensure.

(d) Within one (1) year after the twenty (20) hour training requirement has been met, and annually thereafter, each licensed foster parent shall be required to successfully complete ten (10) hours of inservice training as specified by the division of family and children prior to being relicensed as a foster home.

(e) Prior foster care training or education in child care or child development may be substituted for a part of the training requirements in this section with prior approval of the division of family and children.

(f) These requirements apply to full-time and intermediate care foster parents only. (*Department of Child Services; 465 IAC*

2-1-16; filed Jan 7, 1992, 10:00 a.m.: 15 IR 717; errata filed Mar 3, 1992, 1:34 p.m.: 15 IR 1223; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-1-15.5) to the Department of Child Services (465 IAC 2-1-16) by P.L.234-2005, SECTION 195, effective July 1, 2005.

## **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*) 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 2-2-2 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*) 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*) 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

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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*) 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 12-13-5-3

Affected: IC 12-17.2

Sec. 5. Personnel. (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. Either the case work supervisor or the case workers employed by such agency shall have had case work training in a recognized school of social work, including supervised case work in the field, and at least one 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 State Department of Public Welfare in determining the number of case workers needed by the child-placing agency:

The number of children in foster care under the supervision of one case worker should not exceed 50; and, if other responsibilities such as foster home finding, intake duties, adoptive studies and similarly related activities are also required of a case worker, the number of children under the supervision of that worker should be reduced proportionately by the time devoted to such other responsibilities.

(c) Each child-placing agency shall employ as staff members only persons duly qualified, of good character as evidenced by character references, and 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.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 (*Department of Child Services; Title 3, Ch 2, Reg 3-205; 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*) 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

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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*) 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*) 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*) 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*) 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*) 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*) 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*) 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**

**465 IAC 2-3-1 Interstate compact on the placement of children**

Authority: IC 12-13-5-3

Affected: IC 12-17-8

Sec. 1. (a) Definitions as used in 470 IAC 3-5.1:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(2) "Sending agency" means a party state, or officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(3) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(4) "Placement" means the arrangement for the care of a child by an individual in a free home, in a boarding home, or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

(b) Placements requiring state department of public welfare (SDPW) approval. The following interstate placements must be approved by the SDPW:

(1) Child in the custody of an out-of-state court or agency placed in Indiana in an adoptive home, a foster home licensed by the SDPW, a parent or relative home or a child caring facility, licensed by the SDPW.

(2) Child in the custody of an out-of-state court or agency moving to Indiana with an adoptive family prior to legal finalization of the adoption.

(3) Child in the custody of an out-of-state court or agency moving to Indiana with a parent, guardian or relative or foster family.

(4) Child not in the custody of an out-of-state court or agency placed in an adoptive home in Indiana.

(c) SDPW prior approval. The SDPW must give prior approval before placement of such a child from another state is made.

This approval is based on:

(1) Review by the SDPW of a current home study of the proposed foster, adoptive or relative home by an Indiana county department of public welfare (CDPW) or licensed, child placing agency (LCPA).

(2) Review by the SDPW and CDPW or LCPA of social, medical and legal information on the child(ren) to be placed provided by an out of state child placing agency licensed, approved or authorized by the sending state.

(i) If the child is to be adopted in Indiana legal information must include verification the child is legally free for adoption.

(ii) In the case of non-agency sponsored adoptive placements the social, medical and legal information shall be provided by the child's legal guardian.

(3) ICPC 100A's (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending court or agency and signed by the sending state interstate compact on placement of children (ICPC) administrator.

In the case of non-agency sponsored adoptive placements there shall be a guardian for the child appointed by a court in the sending state. This guardian may be any competent adult other than either birth parent or either adoptive parent. This guardian shall be a full guardian of the person, willing and able to assume full financial responsibility for the child should the child not be legally adopted in Indiana, including returning the child to the sending state. (*Department of Child Services; 465 IAC 2-3-1; filed Sep 15, 1986, 9:45 am: 10 IR 223; errata, 10 IR 887; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.1-1) to the Department of Child Services (465 IAC 2-3-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

#### **465 IAC 2-3-2 Intercountry placement regulations**

Authority: IC 12-13-5-3

Affected: IC 12-17-8

Sec. 2. (a) Approval of international child placing agencies. Any international child placing agency which desires to place foreign born children in Indiana must have the prior approval of the state department of public welfare (SDPW). This approval is based upon:

(1) written verification said agency is currently licensed as a child placing agency by the state in which it operates; and  
(2) written verification that all placements made by said agency will comply with the interstate compact on the placement of children (ICPC) and the laws and regulations of Indiana.

(b) SDPW prior approval. The following placements of foreign born children in Indiana must be approved by the SDPW:

(1) children placed for adoption by licensed child placing agencies;

(2) non-agency sponsored adoptive placements;

(3) children placed in Indiana for purposes of receiving medical care;

(i) such placements must be made by the person or agency with legal custody of the child;

(ii) such placements shall be made into licensed boarding homes only.

(c) Pre-adoption requirements. The SDPW must give prior approval before a foreign born child may be placed in an adoptive home in Indiana. This approval is based on:

(1) Review by the SDPW of a current, favorable adoptive home study provided by an Indiana county department of public welfare (CDPW) or licensed child placing agency (LCPA).

If the adoptive family currently resides outside the United States the SDPW shall have the discretion to approve the person or agency completing the adoptive home study.

(2) Review by the SDPW and the Indiana CDPW or LCPA sponsoring the adoption of social, medical and legal information on the child(ren) to be placed provided by the licensed, approved or authorized international child placing agency legally responsible for the child.

If the child is not in the legal custody of a United States based child placing agency, this information shall be provided by the agency or person in the child's country of residence with legal custody of the child.

(3) ICPC 100A's (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending agency and signed by the sending state ICPC administrator.

In the case of a non-agency adoptive placement, the adoptive family must provide proof of financial liability for the child. This financial liability shall be an agreement between the adoptive family and the Indiana CDPW or LCPA sponsoring the adoption in a form and amount determined by the Indiana CDPW or LCPA. A copy of this financial liability must be provided the SDPW.

Placement of child(ren) into Indiana legally adopted in the country prior to entry into Indiana do not require SDPW approval.

Placement of foreign born children with relatives (parent, grandparent, adult brother or sister and adult aunt or uncle) does not require SDPW approval. (*Department of Child Services; 465 IAC 2-3-2; filed Sep 15, 1986, 9:45 am: 10 IR 224; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-5.1-2) to the Department of Child Services (465 IAC 2-3-2) by P.L.234-2005, SECTION

195, effective July 1, 2005.

#### **Rule 4. Interstate Compacts on Adoption and Medical Assistance**

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

Authority: IC 12-13-5-3

Affected: IC 31-3-5-1

Sec. 1. The state department of public welfare 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 regulation contained in this rule and IC 31-3-5 [*IC 31-3 was repealed by P.L. 1-1997, SECTION 157, effective July 1, 1997.*]. 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*) *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 12-13-5-3

Affected: IC 31-3-5-1

Sec. 2. (a) As used in this rule, "adoption assistance" means the payment or payments for the maintenance of a child which 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 470 IAC 3-10-2.

(d) As used in this rule, "department" means the state department of public welfare.

(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 Virgin Islands, Guam, 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*) *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.

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(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-46507055 IRFA*)  
*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) 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. In 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*) 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) 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) 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) 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) 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**

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

Affected: IC 31-3-3

Sec. 1. (a) As used in this section, "adoption assistance agreement" means a written agreement, binding on the parties to the agreement, among the county department of public welfare, other relevant agencies, and the prospective adoptive parent or parents of a minor child which at a minimum does the following:

(1) Specifies the nature and amount of any payments, services, and assistance to be provided under such agreement.

(2) Stipulates that the agreement shall remain in effect regardless of the state of which the adoptive parent or parents are residents at any given time.

(b) The adoption assistance agreement shall be signed by the county director of public welfare. The adoption assistance agreement may be reviewed at the request of the adoptive parent or parents or the county department of public welfare.

(c) The adoption assistance agreement may be renewed with any adjustment that the circumstances may warrant.

(d) The adoption assistance agreement may be modified, amended, rescinded, or canceled at any time by mutual agreement in writing.

(e) The adoptive parent or parents shall notify the county department of public welfare or ensure that the county department of public welfare is notified, in writing, when:

(1) the adoptive parent or parents are no longer legally responsible for the support of the child;

(2) the child no longer receives financial support from the adoptive parent or parents; or

(3) there is any change in the family's or child's circumstances which would render the child ineligible or eligible for assistance payments in a different amount.

(f) The adoption assistance agreement shall terminate upon fulfillment of the terms of the agreement or when the county department of public welfare determines that:

(1) the child has attained the age of eighteen (18) or, where the county department of public welfare determines the child has a mental or physical handicap which warrants continuation of assistance, the age of twenty-one (21);

(2) the adoptive parent or parents are no longer legally responsible for the support of the child; or

(3) the child is no longer receiving any support from the adoptive parent or parents.

(Department of Child Services; Title 3, Ch 7, Reg 3-704; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2224; filed Aug 26, 1987, 11:00 a.m.: 11 IR 82; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2228; 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) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-1) to the Department of Child Services (465 IAC 2-7-1) by P.L.234-2005, SECTION 195, effective July 1, 2005.

### **465 IAC 2-7-2 Special needs child; criteria**

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

Affected: IC 31-19-11; IC 31-19-27; IC 31-19-28; IC 31-35

Sec. 2. A child shall be considered to be a special needs child, under the Indiana adoption assistance program, if the child meets

each of the following criteria:

- (1) The county office of family and children has determined that the child cannot or should not be returned to the home of the child's parent or parents and that the parent or parents have signed or will sign a consent to adoption regarding the child or that parental rights have been or will be terminated by a court in accordance with IC 31-35.
- (2) One (1) of the following conditions exists:
  - (A) The child is two (2) years of age or older.
  - (B) The child is a member of a sibling group of two (2) or more children of which at least one (1) is two (2) years of age or older and who will be placed with the sibling group in the same home.
  - (C) The child has a medical condition or physical, mental, or emotional disability as determined by a physician licensed to practice in Indiana or another state or territory.
- (3) Reasonable but unsuccessful efforts must be made to place the child in an appropriate adoptive home without providing adoption assistance. Reasonable efforts include, but are not limited to, the following:
  - (A) Photo listing the child with the Indiana adoption resource exchange for a minimum of six (6) months.
  - (B) Inability to recruit appropriate, interested adoptive parent or parents who are able to meet the child's needs without the use of adoption assistance.

Reasonable efforts need not be made to place the child without adoption assistance if to do so would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.

*(Department of Child Services; Title 3, Ch 7, Reg 3-705; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2224; filed Aug 26, 1987, 11:00 a.m.: 11 IR 83; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2229; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 189; readopted filed Nov 27, 2007, 6:52 a.m.: 20071226-IR-465070551RFA) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-2) to the Department of Child Services (465 IAC 2-7-2) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

**465 IAC 2-7-3 Adoption assistance payments**

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

Affected: IC 31-19

Sec. 3. (a) The amount of the adoption assistance shall not exceed the minimum per diem paid by any county department of public welfare in Indiana or seventy-five percent (75%) of the per diem paid by the placing county department of public welfare, whichever is greater.

(b) In the instance of a child placed under the custody of a local county welfare department, the per diem amount used to compute the payment shall be the foster home care per diem established by the county in which the department is located.

(c) If the eligible child is placed adoptively by a licensed child placing agency or through an independent adoptive placement, the foster home care per diem established by the county in which the child is adoptively placed shall be used to compute the payment. If the child is placed out-of-state in an adoptive home by a licensed child placing agency, the foster home care per diem established by the county where the placing agency is located shall be used.

(d) All applications for adoption assistance shall be acted upon by the county director of public welfare within forty-five (45) days from the date of application unless there are unusual or extenuating circumstances. If a child is eligible, financial assistance shall become effective no later than thirty (30) days from the date of application or as soon as the agreement for adoption assistance has been signed and the child is placed in the adoptive home unless there are unusual and extenuating circumstances. All monetary awards shall be due and payable on the first day of the month following the placement of the child in the adoptive home or date of the final decree of adoption. Payment shall be within the maximums as set out in this rule provided an adoption assistance agreement has been signed by the county director and the adopting parent or parents at the time the child is placed in the adoptive home but prior to the final decree of adoption.

(e) The effective date of adoption assistance payments shall not be prior to October 1, 1982.

(f) Adoption assistance payments shall not be made for a child whose adoption was legally finalized prior to October 1, 1982. *(Department of Child Services; Title 3, Ch 7, Reg 3-706; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2225; filed Aug 26, 1987, 11:00 a.m.: 11 IR 84; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2229; errata filed Sep 25, 1991, 9:00 a.m.: 15 IR 110; filed Jul 28, 1997, 1:25 p.m.: 20 IR 3365; 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) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10-3)*

to the Department of Child Services (465 IAC 2-7-3) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-7-4 Title IVE; medicaid: adoption assistance program, foster care**

Authority: IC 12-13-5-3

Affected: IC 31-3-3

Sec. 4. (a) Medicaid eligibility for the adoption assistance child shall become effective from the date of application.

(b) Medicaid services shall not be interrupted for the child who is a recipient of AFDC at the time of placement and found eligible for Title IVE-FC payments. The Medicaid effective date for the child who is a non-recipient of AFDC at the time of placement shall be the same as the effective date of the Title IVE-FC award.

(c) Under the Title IVE-FC program, the child age 18 to 21 shall not be eligible for Medicaid.

IC 12-1-2-3 [IC 12-1 was repealed by P.L.2-1992, SECTION 987, effective February 14, 1992.]

IC 12-1-2-9 [IC 12-1 was repealed by P.L.2-1992, SECTION 987, effective February 14, 1992.]

Federal Public Law 96-272 (Department of Child Services; Title 3, Ch 7, Reg 3-708; filed Aug 31, 1982, 1:37 pm: 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) 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-46507055IRFA*) 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-46507055IRFA*) 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) 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 2-8-1 Definitions**

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-7-2-162.5; IC 12-9-6; IC 12-13-1-1; IC 12-14-28-1; IC 12-19-1-1; IC 12-19-1-2; IC 29-3-1-6; IC 31-9-2-117; 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 county office appointed under IC 12-19-1-2.

(d) "County office" means a county office of family and children established under IC 12-19-1-1 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) "Division" means the division of family and children established by IC 12-13-1-1.

(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 division, 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 12-9-6 in determining whether a child is seriously disabled.

(l) "Shelter care facility" means a facility described in IC 31-9-2-117.

(m) "TANF" means financial assistance to eligible recipients that the division 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) 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) 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 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-28; 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 12-17.4-4 [IC 12-17.4 was repealed by P.L.145-2006, SECTION 376, effective July 1, 2006.] and 470 IAC 3-1.

(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 division 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) 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) 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 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

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

Sec. 5. (a) The division or county office 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 division or county office 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 division. If the application is approved, the guardian and county director must sign a guardianship assistance agreement in the form prescribed by the division.

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

(f) The division may pay all or any portion of monthly assistance payments under this rule from funds available to the division through TANF. A county office may pay all or any portion of monthly assistance payments under this rule from the county family and children's fund established under IC 12-19-7 [IC 12-19-7 was repealed by P.L.146-2008, SECTION 806, effective January 1, 2009.], with approval of the division and conditioned on reimbursement of the family and children's fund from funds available to the division through TANF. (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) 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 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-28; IC 31-19; IC 31-34-9; IC 31-34-21-7.5

Sec. 6. (a) The division or county office 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 age eighteen (18), 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 county.
- (8) Termination of the legal guardianship by order of the court having jurisdiction in the guardianship proceeding.

(b) The division or county office 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 county office the information required or requested by the county office for the annual 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 division or county office has determined that appropriated funds are no longer available to support continuation of monthly assistance payments.
- (c) The division or county office 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 division or county office shall send notice of termination of assistance under this section by certified mail to the guardian at the guardian's current or last known address. The division or county office shall separately mail a copy of the notice addressed to the child. The notice shall include a statement of the reason or reasons for termination as determined by the county office.

(e) The effective date of termination of a monthly assistance payment and guardianship assistance agreement under this section shall be determined as follows:

(1) If termination is based on an event described in subsection (a), the end of the calendar month in which the event occurred.

(2) If termination is based on a decision by the division or county office pursuant to subsection (b), the end of the first calendar month that ends not less than ten (10) days after the date the notice is mailed to the guardian.

If the guardian or child has received a payment attributable to a month 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 division or county office. (*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*) 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*) 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 12-13-5-1; IC 12-13-5-3

Affected: IC 12-17-3

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 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 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*) 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 12-13-5-1; IC 12-13-5-3  
Affected: IC 12-14-7

Sec. 9. (a) As a condition to receipt of a monthly assistance payment under this rule, the guardian shall assign to the division or county office 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 12-14-7, 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 division or county office as provided in this section.

(c) All amounts received by the division through the Indiana statewide child support enforcement system administered pursuant to IC 12-17-2 [*IC 12-17-2 was repealed by P.L.145-2006, SECTION 376, effective July 1, 2006.*] 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*) 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**

Authority: IC 12-13-5-1; IC 12-13-5-3  
Affected: IC 12-14-28

Sec. 10. (a) The county office that approves the guardianship assistance agreement shall be responsible for collecting, assembling, and reporting to the division, in the form prescribed by the division, all data and information needed for preparation of any report that the division is required to submit to the federal Department of Health and Human Services pursuant to 42 U.S.C. § 611 and 45 CFR 265, with respect to monthly assistance payments made from funds provided to the division through TANF.

(b) The guardian shall cooperate with the county office and provide all information that the guardian possesses, as needed and requested by the county office to facilitate compliance with this section. (*Department of Child Services; 465 IAC 2-8-10; 10; 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*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-10) to the Department of Child Services (465 IAC 2-8-10) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-8-11 Guardianship administration**

Authority: IC 12-13-5-1; IC 12-13-5-3  
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 county office during any time that a guardianship assistance agreement is in effect.

(c) The division 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*) 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**

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

Sec. 12. An applicant for assistance under this rule or a guardian or child who has received assistance in accordance with a guardianship assistance agreement may appeal any decision of the division or county office denying the application, establishing or modifying the amount of monthly assistance payments, or terminating monthly assistance payments in accordance with applicable provisions of 470 IAC 1-4. (*Department of Child Services; 465 IAC 2-8-12; 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*) NOTE: Transferred from the Division of Family Resources (470 IAC 3-10.5-12) to the Department of Child Services (465 IAC 2-8-12) by P.L.234-2005, SECTION 195, effective July 1, 2005.

**465 IAC 2-8-13 Local guardianship assistance program**

Authority: IC 12-13-5-1; IC 12-13-5-3  
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(1)(E), supplemental to the assisted guardianship program established under this rule and financed through any funds appropriated for that purpose by the county fiscal body.

(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 division. The director of the division 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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" defined**

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

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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 12-13-5-3  
Affected: IC 12-17.4

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 SDPW.

(c) When nondirect care functions have been approved by SDPW 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 shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) 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 child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

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

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

(1) A master's degree in social work or a master's degree in 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 two (2) years of experience in child care services.

(h) 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.

(i) 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.

(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) 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

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CHILD WELFARE SERVICES

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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) 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 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall 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. A houseparent who serves in that capacity on the effective date of this rule and who was qualified for that position under 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 the specific requirements for these child-staff ratios.

(c) The institution shall maintain a ratio of at least one (1) direct care worker on duty to every twelve (12) children while children are awake. While children are sleeping, the ratio shall be at least one (1) direct care worker to every twenty (20) 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 six (6) children, whether the children are awake or asleep.

(e) When a group of twelve (12) or fewer children is under the care of one (1) employee, 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. *(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) 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) 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*) 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*) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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

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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*) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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) 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) 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.

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- (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) 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) 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) 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.

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(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) 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) 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*) 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*) 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*) 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*) 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*) 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-46507055 IRFA) 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-46507055 IRFA) 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-46507055 IRFA) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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" defined**

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

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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 12-13-5-3

Affected: IC 12-17.4

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 SDPW.

(c) When nondirect care functions have been approved by SDPW 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 shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) 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 child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

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

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

(1) A master's degree in social work or a master's degree in 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 two (2) years of experience in child care services.

(h) 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.

(i) 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.

(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) 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) 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 12-13-5-3  
Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall 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. A houseparent who serves in that capacity 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 the specific requirements for these child-staff ratios.

(c) The institution shall maintain a ratio of at least one (1) direct care worker on duty to every twelve (12) children while children are awake. While children are sleeping, the ratio shall be at least one (1) direct care worker to every twenty (20) 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 six (6) children, whether the children are awake or asleep.

(e) When a group of twelve (12) or fewer children is under the care of one (1) employee, 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. *(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) 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*) 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*) 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*) 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) 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) 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) 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) 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) 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) 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) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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) 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*) 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*) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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*) 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*) 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*) 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) 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) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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" defined**

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

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*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*) 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*) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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*) 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*) 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*) 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*) 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*) 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

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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) 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) 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) 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) 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) 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*) 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 12-13-5-3  
Affected: IC 12-17.4

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 SDPW.

(c) When nondirect care functions have been approved by SDPW 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 shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) 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 child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

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

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

(1) A master's degree in social work or a master's degree in 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 two (2) years of experience in child care services.

(h) 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.

(i) 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.

(*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*) 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

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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) 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 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall 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. *(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) 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) 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) 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) 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*) 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*) 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*) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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*) 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*) 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*) 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*) 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*) 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) 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) 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*) 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*) 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) 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) 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 sanitation 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) 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) 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) 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) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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" defined**

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

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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-46507055 IRFA*) 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-46507055 IRFA*) 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*) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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 12-13-5-3

Affected: IC 12-17.4

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 SDPW.

(c) When nondirect care functions have been approved by SDPW 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 one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school and one (1) year of experience in child care services.

(2) 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 child care services, including at least one (1) year of experience in a supervisory capacity.

(f) 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 meeting at least the qualifications of a caseworker as defined in section 49 of this rule.

(g) 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.

(h) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator. *(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) 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) 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 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall 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. A house-parent who serves in that capacity 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 the specific requirements for these child-staff ratios.

(c) At least one (1) direct care worker shall be on duty in the group home at all times when children are present.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present whether the children are awake or asleep.

(e) When a group of ten (10) or fewer children is under the care of one (1) employee, 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. *(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) 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) 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) 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*) 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*) 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*) 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*) 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) 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) 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) 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*) 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*) 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*) 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) 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*) 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*) 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*) 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*) 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*) 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) 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) 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*) 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*) 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.

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(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) 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) 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

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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*) 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*) 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) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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-46507055 IRFA*) 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-46507055 IRFA*) 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-46507055 IRFA*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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" defined**

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

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. (*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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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*) 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-46507055 IRFA*) 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-46507055 IRFA*) 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*) 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*) 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*) 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) 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) 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*) 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*) 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*) 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*) 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 12-13-5-3

Affected: IC 12-17.4

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 SDPW.

(c) When nondirect care functions have been approved by SDPW 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 one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school and one (1) year of experience in child care services.

(2) 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 child care services, including at least one (1) year of experience in a supervisory capacity.

(f) 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 meeting at least the qualifications of a caseworker as defined in section 49 of this rule.

(g) 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.

(h) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator. (*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*) 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) 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 12-13-5-3

Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall 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. A house-parent who serves in that capacity 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 the specific requirements for these child-staff ratios.

(c) At least one (1) direct care worker shall be on duty in the group home at all times when children are present.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present whether the children are awake or asleep.

(e) When a group of ten (10) or fewer children is under the care of one (1) employee, 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. *(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) 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) 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) 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) 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) 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) 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) 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) 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) 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*) 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*) 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*) 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*) 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*) 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) 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) 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) 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) 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*) 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*) 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) 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) 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) 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) 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*) 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*) 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) 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) 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*) 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*) 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*) 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) 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) 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) 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*) 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*)

##### **465 IAC 2-14-2 "Assigned monitor" defined**

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-25-2-21

Sec. 2. "Assigned monitor" has the meaning set forth in 465 IAC 2-15-2. (*Department of Child Services; 465 IAC 2-14-2; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA*)

##### **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*)

**465 IAC 2-14-4 "Eligible youth" defined**

Authority: IC 31-25-2-18; IC 31-25-2-21  
Affected: IC 31-28-5.7; 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 foster care for older youth under IC 31-28-5.7.
- (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*)

**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 31-28-5.7; 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.
- (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 31-28-5.7 and 465 IAC 2-15 relating to older youth foster 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; or
    - (4) forestry camp, training school, or any other facility operated primarily for detention of delinquent children.

(*Department of Child Services; 465 IAC 2-14-5; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA*)

**465 IAC 2-14-6 "Independent living services" defined**

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-25-2-21

Sec. 6. (a) "Independent living 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.

(b) "Independent living 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)*

**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 independent living 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)*

**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 independent living 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)*

**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)*

**465 IAC 2-14-10 Requirements for development and completion of independent living and transitional services plans**

Authority: IC 31-25-2-18; IC 31-25-2-21

Affected: IC 31-25-2-21; IC 31-28-5.7

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 department's family case manager assigned to the youth's case or contracted independent living services provider, may develop, in conjunction with the youth, a plan for independent living 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 independent living services described in section 6(b) 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, assure 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 assure 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 older youth foster care under IC 31-28-5.7 and 465 IAC 2-15; and

(2) does not have an approved transitional services plan in effect at the time the court approves the foster care placement;

the department will develop an appropriate transitional services plan for the youth within sixty (60) days after the effective date of the foster care placement, unless the time for completion of the plan is extended by the department permanency manager, or order of the court having jurisdiction over the placement. *(Department of Child Services; 465 IAC 2-14-10; filed Dec 10, 2010, 10:21 a.m.: 20110105-IR-465090167FRA)*

**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 31-28-5.7; 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 department's family case manager assigned to the case 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. If an independent living specialist employed by the department is not currently assigned to the case for purposes of monitoring, or assisting with implementation of, the youth's current case plan, the department will assign an independent living specialist or other 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 family case manager or probation officer who is responsible for assuring the development and completion of a transitional services plan will consult with the assigned 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 family case manager or probation officer who is responsible for assuring 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 older youth foster care under IC 31-28-5.7 and 465 IAC 2-15, the assigned monitor 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 family 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 family case manager, probation officer, or assigned monitor will consult with each service provider who is currently providing, or will provide, any independent living 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 following:

(1) The family case manager supervisor assigned to the case, if the youth is a child in need of services in an open case under IC 31-34.

(2) The department's permanency manager or designee, if the youth is subject to supervision of a probation department in an open case under IC 31-37, or is receiving older youth foster care services under IC 31-28-5.7 and 465 IAC 2-15.

Review of the plan will be completed within thirty (30) days after its submission for review under this subsection. The reviewing supervisor, permanency manager, or designee 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 family case manager, the county probation officer, or the assigned monitor 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)*

**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 31-30-2-1; IC 31-34; IC 31-37

Sec. 12. (a) A transitional services plan shall include, at a minimum, the independent living services specified in section 6(a) of this rule.

(b) The transitional services plan may include any additional independent living services described in section 6(b) of this rule.

(c) All independent living 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) 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.

(f) A youth to whom subsection (e) 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)*

**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 youth's supervising family case manager, probation officer, or assigned monitor. The family case manager, probation officer, or assigned monitor 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 independent living 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 supervising family case manager, probation officer, or assigned monitor. A notice under this subsection shall be delivered or mailed to:

(1) the youth;

(2) the supervising family case manager, probation officer, or assigned monitor; 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*)

#### **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 independent living 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 independent living services, as described in section 6(b) 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 independent living 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 assure that all youth receiving services under an independent living 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*)

**465 IAC 2-14-15 Other independent living 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 independent living 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 independent living 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*)

**Rule 15. Older Youth Foster Care**

**465 IAC 2-15-1 Applicability of definitions**

Authority: IC 31-25-2-18; IC 31-28-5.7-2  
Affected: IC 31-28-5.7

Sec. 1. The definitions in sections 2 through 7 of this rule apply throughout this rule, or as stated in the applicable definition. (*Department of Child Services; 465 IAC 2-15-1; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA*)

**465 IAC 2-15-2 "Assigned monitor" defined**

Authority: IC 31-25-2-18; IC 31-28-5.7-2  
Affected: IC 31-28-5.7

Sec. 2. "Assigned monitor" means a department family case manager, independent living specialist, or independent living provider contracted by the department, who is assigned to oversee services provided to an older youth under this rule, during the term of an agreement and in accordance with section 15(f) of this rule. (*Department of Child Services; 465 IAC 2-15-2; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA*)

**465 IAC 2-15-3 "Department" defined**

Authority: IC 31-25-2-18; IC 31-28-5.7-2  
Affected: IC 31-25-1; IC 31-28-5.7

Sec. 3. "Department" means:

- (1) the department of child services established under IC 31-25-1; or
- (2) a local office of the department.

(*Department of Child Services; 465 IAC 2-15-3; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA*)

**465 IAC 2-15-4 "Foster care" defined**

Authority: IC 31-25-2-18; IC 31-28-5.7-2  
Affected: IC 31-9-2-71; IC 31-9-2-114; IC 31-27; IC 31-28-5.7; IC 31-34; IC 31-37

Sec. 4. (a) "Foster care", as used in section 5 of this rule, means full-time residential care and supervision of an individual who is less than eighteen (18) years of age, away from the home of the individual's parent, guardian, or custodian, in which the individual was residing before commencement of a case under IC 31-34 or IC 31-37. Foster care placement includes, but is not limited to, placement in any of the following, regardless of whether payment for the placement is or has been made by the department or any other person or agency:

- (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, if the relative home is not:
  - (A) required to be licensed under IC 31-27-4, or applicable law of the state in which the home is located; and
  - (B) the home of a parent of the individual.
- (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) Except as provided in subsection (c), any other home or facility in which the placement has been ordered or approved by a juvenile court in a case under IC 31-34 or IC 31-37.

(b) The term, for purposes of sections 13, 15, 16, and 18 of this rule, means residential care and supervision of an older youth in a foster family home licensed:

- (1) under IC 31-27-4; or

(2) in a state that adjoins Indiana, at a place that is not more than twenty-five (25) miles from the Indiana state line, if the youth previously resided in the same foster family home, as provided in section 13 of this rule.

(c) The term, for purposes of this rule, 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; or
- (4) forestry camp, training school, or any other facility operated primarily for detention of delinquent children.

*(Department of Child Services; 465 IAC 2-15-4; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

**465 IAC 2-15-5 "Older youth" defined**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7; IC 31-34; IC 31-37

Sec. 5. "Older youth" means an individual who:

- (1) is at least eighteen (18) and less than twenty-one (21) years of age; and
- (2) received foster care:

(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;

at any time during the month before the individual became eighteen (18) years of age.

*(Department of Child Services; 465 IAC 2-15-5; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

**465 IAC 2-15-6 "Older youth foster care services" or "OYFC services" defined**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7-1

Sec. 6. "Older youth foster care services" or "OYFC services" means services provided to an older youth by or on behalf of the department, in accordance with section 15 of this rule:

- (1) during the time the older youth is receiving foster care, as defined in section 4(b) of this rule; and
- (2) pursuant to a court order entered under IC 31-28-5.7-1.

*(Department of Child Services; 465 IAC 2-15-6; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

**465 IAC 2-15-7 "Placement agreement" defined**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7

Sec. 7. "Placement agreement" means a written agreement between an older youth and the department that:

(1) states the terms and conditions of OYFC services approved by the department for the older youth, as described in section 15 of this rule; and

(2) is approved by the licensee foster parent or parents of the home in which the older youth resides or will reside.

*(Department of Child Services; 465 IAC 2-15-7; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

**465 IAC 2-15-8 Eligibility for older youth foster care services**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 5-9-4-1; IC 31-15-2-4; IC 31-15-3-9; IC 31-27-4-13; IC 31-28-5.7; IC 31-33-8; IC 31-33-26; IC 31-37

Sec. 8. (a) An older youth may receive OYFC services, as provided in this rule and in accordance with department policies that implement this rule, if the older youth meets all of the following conditions:

(1) The youth:

(A) is employed by one (1) or more employers, for compensation, for work regularly performed during at least thirty-

five (35) hours per week;

(B) is both:

(i) employed on a part-time basis by one (1) or more employers, for compensation, for work regularly performed during at least sixteen (16) hours per week; and

(ii) actively seeking, and making reasonable efforts, as determined by the department, to obtain full-time employment, as described in clause (A);

(C) is currently enrolled in good standing as a full-time student in a secondary school or a post-secondary vocational or educational certification or degree program and making satisfactory academic progress, as determined by the department based on information provided by the school or program in which the youth is enrolled, toward completion of the requirements of the school or program for receipt of the applicable degree or certification;

(D) is enrolled as a full-time student in a school or program described in clause (C) for the semester, term, or course of study that begins within three (3) months after the date the youth applies to the department for OYFC services as provided in this rule;

(E) intends to enroll within six (6) months after the youth's eighteenth birthday in a postsecondary vocational or educational certification or degree program that will commence within nine (9) months after the youth's eighteenth birthday; or

(F) is both:

(i) employed part-time, for compensation, for work regularly performed at least sixteen (16) hours per week; and

(ii) enrolled as a part-time student in a school or educational program leading to a degree or certification upon its satisfactory completion, in a manner and course of study approved by the school or program.

(2) The youth is a bona fide resident of Indiana.

(3) The youth:

(A) is not married;

(B) is a party to a decree of legal separation of the youth and his or her spouse, that has been granted under IC 31-15-3-9 and is in effect; or

(C) is a party to a proceeding for dissolution of marriage that was filed under IC 31-15-2-4 and is pending.

(4) Except as provided in section 12 of this rule, the youth:

(A) has not been convicted of:

(i) any felony described in IC 31-27-4-13;

(ii) any misdemeanor relating to the health or safety of a child (as determined by the department);

(iii) any other felony; or

(iv) four (4) or more misdemeanors resulting from separate and unrelated acts or occurrences;

(B) has not been adjudicated as a delinquent child under IC 31-37, or comparable law of another state, territory, or country, based on an act or acts that would be a criminal offense or offenses under Indiana law, described in clause (A), if committed by an adult;

(C) does not have a record of substantiated child abuse or neglect entered in the Indiana child protection index under IC 31-33-26, or in any comparable registry or index of child abuse or neglect determinations maintained by the United States or by any other state or United States territory or possession from which the department obtained background check information concerning the youth; and

(D) does not have a pending:

(i) criminal charge of commission of any felony, or any misdemeanor relating to the health or safety of a child; or

(ii) petition filed under IC 31-37-10-3 alleging commission, before the youth became eighteen (18) years of age, of a delinquent act that would have been a felony, or a misdemeanor related to the health and safety of a child, if committed by an adult.

(5) The youth is not named as an alleged perpetrator of child abuse or neglect in a report that the department has received and accepted for assessment under IC 31-33-8, unless the department determines that the report will be unsubstantiated regarding the youth.

(6) The youth or the department has completed, and the department has reviewed and evaluated the results of, the following procedures:

(A) A background check of the child protection index maintained by the department under IC 31-33-26-2, and any

similar index or registry maintained in any state or jurisdiction where the youth resided within the previous five (5) years, for information concerning any substantiated report of child abuse or neglect identifying the youth as a perpetrator.

(B) Substance abuse, mental health, and developmental delay assessments, as provided in section 10 of this rule.

(7) The youth has not previously received OYFC services that have been terminated under section 18 of this rule.

(8) The youth is not receiving any services or assistance described in subsection (b).

(9) The youth has not been called into active duty as a member of any of the armed forces of the United States or the national guard, as specified in IC 5-9-4-1(a)(2).

(b) If the older youth is participating in, and receiving assistance through the department under, any of the following programs, the youth is not eligible for OYFC services under this rule:

(1) Room and board services under the Chafee Foster Care Independence Program, 42 U.S.C. 677.

(2) Financial assistance for housing under the education and training voucher program described in 42 U.S.C. 677(i).

*(Department of Child Services; 465 IAC 2-15-8; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

#### **465 IAC 2-15-9 Application for older youth foster care services**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7

Sec. 9. (a) An individual who is or will become an older youth may submit to the department an application for OYFC services at any time after the date that is six (6) months after the youth became seventeen (17) years of age. The application shall include the information required in the form approved by the department for that purpose.

(b) The applicant shall submit with, or as part of, a completed application information concerning any conviction, delinquency adjudication, substantiated child abuse or neglect determination, or pending charges, as described in section 8(a)(4) of this rule, of which the applicant has knowledge.

(c) The application should be submitted to the local office of the department in the county where the youth currently resides. The department will forward any application received by the department's central office or another local office to the appropriate local office for review and processing.

(d) An application received as provided in this section will be referred to a family case manager supervisor, or other designee of the local office director, for review. The supervisor or designee will determine, based on the information provided in the application, whether the applicant meets the initial eligibility requirements for OYFC services as stated in section 8 of this rule, other than completion of the procedures described in section 8(a)(6) of this rule. The reviewing supervisor or designee may request the applicant to provide additional information if the supervisor or designee determines that the application is incomplete or that more facts are needed to determine eligibility of the applicant as provided in section 8 of this rule. The determination of the reviewing supervisor or designee regarding eligibility, based on the information submitted by the applicant, is subject to review and approval by the local office director.

(e) The supervisor or designee who determined eligibility under subsection (d) will send written notification to the applicant, within five (5) business days after receipt of the completed application (including any additional information requested as provided in subsection (d)), stating whether or not the applicant is eligible for OYFC services, subject to completion and approval of the additional requirements as specified in section 10 of this rule. If the notification states that the applicant is ineligible, it shall include the reason or reasons for that determination. The applicant may request a review of any determination of ineligibility, as provided in section 19 of this rule. *(Department of Child Services; 465 IAC 2-15-9; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

#### **465 IAC 2-15-10 Background checks and assessments**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7; IC 31-33-7; IC 31-33-8; IC 31-34-1

Sec. 10. (a) Upon determination under section 9 of this rule that an applicant for OYFC services meets the initial eligibility requirements, the local office of the department that made the determination shall do the following:

(1) Within five (5) business days after notification of eligibility under section 9(e) of this rule, do the following:

(A) Provide the youth with information regarding the required conduct of a background check, as described in section

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8(a)(6)(A) of this rule, and take the steps necessary to complete that check.

(B) Make arrangements for completion of assessments of the youth, as required by this rule and the policies and procedures of the department applicable to those assessments. All assessments shall be completed within thirty (30) days after the initial eligibility determination under section 9 of this rule, unless extenuating circumstances require additional time for completion of any assessment. Any extension of time for completion of an assessment under this clause must be approved by the department's deputy director for field operations, or an executive manager or regional manager of the department as designee of the deputy director, and shall not exceed twenty (20) calendar days, unless the youth requests additional time for good cause and the additional time is approved by the department director or deputy director for field operations.

(2) After receipt of the background check and assessments as required under this subsection, review and evaluate the results of the background check, assessments, and any additional information obtained that is relevant to the eligibility conditions or requirements specified in section 8 of this rule. The local office will submit a written report and recommendation regarding those results to the department's permanency manager. The report shall be completed and submitted to the permanency manager within five (5) business days after receipt of the background check and assessment information, unless the permanency manager, for good cause, approves a request by the local office for an extension of time to complete the report, not exceeding an additional ten (10) business days.

(b) The department will provide any assistance that the youth reasonably needs or requests in order to complete the assessments required in this section. The department will pay any costs or expenses incurred incident to completion of the background check and assessment requirements and procedures.

(c) Upon receipt of a report and recommendation from a department local office as provided in subsection (a), the permanency manager of the department, or a designee approved by the deputy director for programs and services, will:

- (1) make the determination whether to approve or deny the application; and
- (2) transmit that determination to the local office.

(d) The department will approve an application of an older youth who has been determined under section 9(d) of this rule to be eligible for OYFC services, if:

(1) the application, background check report, and any other information that the department obtains concerning the youth, shows no record of a:

- (A) conviction of the applicant for any offense described in section 8(a)(4)(A) of this rule;
- (B) juvenile delinquency adjudication described in section 8(a)(4)(B) of this rule; or
- (C) determination of substantiated child abuse or neglect described in section 8(a)(4)(C) of this rule;

(2) the department has no knowledge or information that any criminal charge or delinquency petition has been filed against the applicant that:

- (A) alleges commission of an offense described in section 8(a)(4)(D) of this rule; and
- (B) is awaiting final determination or disposition by a court;

(3) the department has not received a report under IC 31-33-7 that:

- (A) alleges the applicant is a perpetrator of child abuse or neglect (as defined in any provision of IC 31-34-1);
- (B) the department has accepted for assessment under IC 31-33-8; and
- (C) has not been, or will not be, determined to be unsubstantiated with respect to the applicant; and

(4) evaluation of the results of the assessments completed under subsection (a)(2) establishes that the older youth has no:

- (A) history of alcohol or drug abuse that indicates a need for current treatment, counseling, or related services;
- (B) current need for mental health services or treatment; or
- (C) developmental delay or disability that requires special care, treatment, or services.

(e) If evaluation of the results of the background check, assessments, and any other information obtained under subsection (a), indicates a current need for special care, treatment, or services related to any condition described in subsection (d)(4), the department may, in its discretion, approve an application of an otherwise eligible older youth for OYFC services, if the department determines that:

(1) the necessary services can be provided through the transitional services plan and placement agreement for the older youth while the youth is residing in a foster family home as provided in this rule; and

(2) a suitable foster family home is available or can be located that will:

- (A) reasonably accommodate the special needs of the youth; and
- (B) provide for the necessary and appropriate care, supervision, and services for the youth, in accordance with the terms

and provisions of this rule and an individual services plan and agreement tailored to the particular needs of the youth.  
(Department of Child Services; 465 IAC 2-15-10; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)

**465 IAC 2-15-11 Determination of eligibility for placement and services**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7-1

Sec. 11. (a) Upon receipt of the permanency manager's determination under section 10(c) of this rule, the local office will send to the applicant written notification of the final approval or denial of the application. The notice shall be sent within fifteen (15) business days after the permanency manager receives the local office report and recommendation under section 10(a)(2) of this rule, unless additional time, not to exceed ten (10) business days, is requested and approved by the deputy director for field operations, or by an executive manager or regional manager as designee of the deputy director. The applicant may request a review of the denial of an application under this subsection, as provided in section 19 of this rule.

(b) If the application is approved, the local office shall do the following:

(1) Complete for signature of the youth and filing with an appropriate court a petition for approval of OYFC services for the applicant under IC 31-28-5.7-1(b). The petition shall be filed within forty-five (45) days after the local office received the completed background check and assessment results, unless additional time is requested due to extenuating circumstances and approved by the deputy director for field operations or designee.

(2) Participate in any hearings scheduled by the court for consideration of the petition.

(3) Subject to section 13 of this rule, make every reasonable effort to locate an appropriate foster family home that will:

(A) provide a suitable home for the older youth during the time the youth is receiving OYFC services under this rule, consistent with the health and safety of household members and any other children placed in the home for foster care; and

(B) be available for acceptance of the older youth for placement at the time approval of the placement is anticipated.

(Department of Child Services; 465 IAC 2-15-11; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)

**465 IAC 2-15-12 Conditional approval of applicant with certain criminal history**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7

Sec. 12. (a) This section applies if an applicant for OYFC services under this rule:

(1) discloses in the application a:

(A) conviction of, or a pending criminal charge relating to, an offense or offenses that are described in section 8(a)(4)(A)(iii) or 8(a)(4)(A)(iv) of this rule; or

(B) a juvenile delinquency adjudication, or a pending juvenile delinquency petition, relating to an act described in section 8(a)(4)(B) of this rule; or

(2) has a record of a:

(A) conviction of an offense, or a juvenile delinquency adjudication, as described in subdivision (1); or

(B) substantiated determination of child abuse or neglect;

as determined by the department.

(b) This section does not apply to any applicant who:

(1) has been convicted of, or has a pending criminal charge or juvenile delinquency petition concerning, any offense described in section 8(a)(4)(A)(i) or 8(a)(4)(A)(ii) of this rule; or

(2) is an alleged perpetrator of child abuse or neglect in a report described in section 10(d)(3) of this rule.

(c) The department may recommend approval of OYFC services for an otherwise eligible applicant described in this section, if the department determines that the youth:

(1) has been substantially rehabilitated following:

(A) conviction of the offense;

(B) the delinquency adjudication;

(C) commission of the act that is the subject of a pending criminal charge or delinquency petition; or

(D) the substantiation of child abuse or neglect;

(2) does not have a continuing propensity to commit the offense or act that resulted in the:

- (A) conviction;
- (B) delinquency adjudication;
- (C) pending criminal charge or delinquency petition; or
- (D) substantiated determination; and

(3) is likely to:

- (A) benefit from OYFC services provided through the department under this rule; and
- (B) become capable, on a long-term basis, of self-support and independent living through continued employment experience, or completion of a current or prospective educational program, with the assistance of available OYFC services.

(d) If the department recommends approval of OYFC services under this section, the local office will include in its petition filed with the court under section 11(b) of this rule:

(1) a statement of the facts and circumstances relating to any conviction, delinquency adjudication, or substantiated determination described in this section and the experience of the older youth after the conviction, adjudication, or determination; and

(2) an explanation of the reasons for the recommendation for approval of the petition.

(e) The court may, in its discretion, grant a petition for approval of a program of OYFC services for the older youth that is recommended by the department under this section. (*Department of Child Services; 465 IAC 2-15-12; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA*)

#### **465 IAC 2-15-13 Continued placement in current or previous foster family home**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-27-6; IC 31-28-5.7

Sec. 13. (a) This section applies if the applicant for OYFC services requests in the application either:

(1) continuation of a current placement for foster care in a foster family home after the child in need of services case or delinquency case is closed; or

(2) placement in a foster family home in which the applicant had previously resided while in foster care under the jurisdiction of a juvenile court.

(b) Upon approval under applicable provisions of sections 10 through 12 of this rule of an application to which this section applies, the department local office will give preference to the placement requested by the applicant, subject to determination by the local office that the:

(1) placement is suitable for the applicant, based on the:

- (A) facts and circumstances disclosed in the application;
- (B) any other relevant information obtained concerning the applicant; and
- (C) results of the assessments and background check required under section 10 of this rule;

(2) placement will not endanger the health, safety, or welfare of any current resident of the requested foster family home, including any child placed in the home for foster care; and

(3) foster family home licensee with whom the applicant requests to be placed has agreed to accept placement of the applicant in the licensee's home for the purpose of OYFC services.

(c) The local office will not attempt to locate a new foster care home placement for an approved applicant for OYFC services if preference for a continuing or former placement is approved as provided in subsection (b), unless the approved placement subsequently becomes unavailable or terminates as a result of changed circumstances.

(d) If the foster family home in which an applicant for OYFC services will continue in placement under this section is managed or supervised by a licensed child placing agency under IC 31-27-6, the department will send a copy of the signed placement agreement to the supervising child placing agency. (*Department of Child Services; 465 IAC 2-15-13; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA*)

#### **465 IAC 2-15-14 Grounds for denial of final approval of application**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7

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Sec. 14. (a) An application of an older youth for whom eligibility for OYFC services has been approved under section 9 of this rule may be denied for purposes of receipt of placement and services under IC 31-28-5.7 and this rule, for any of the following reasons:

- (1) The applicant made a materially false or misleading statement in the application, or knowingly omitted a fact or facts material to the determination of eligibility for OYFC services under this rule.
- (2) The applicant has a record of a:
  - (A) conviction of a criminal offense or offenses described in section 8(a)(4)(A) of this rule;
  - (B) juvenile delinquency adjudication described in section 8(a)(4)(B) of this rule; or
  - (C) substantiated determination of child abuse or neglect described in section 8(a)(4)(C) of this rule;as shown by the disclosures in the application or the results of a background check completed under sections 8(a)(6)(A) and 10 of this rule.
- (3) The applicant has one (1) or more pending criminal charges or juvenile delinquency petitions described in section 8(a)(4)(D) of this rule.
- (4) The applicant is named as an alleged perpetrator of child abuse or neglect in a report described in section 8(a)(5) of this rule.
- (5) The results of the assessments described in sections 8(a)(6)(B) and 10(a)(1)(B) of this rule show that the applicant has a current need for:
  - (A) alcohol or drug abuse treatment, counseling, or related services;
  - (B) mental health treatment or services; or
  - (C) special care, treatment, or services relating to a condition of developmental delay or disability.

(b) If an application is denied for any reason described in subsection (a)(2), (a)(4), or (a)(5), the department will assist the older youth in obtaining needed services by referral to one (1) or more appropriate programs, facilities, or other service providers that may be available to meet the needs of the older youth. The department is not required to pay for any services provided based on a referral under this subsection. (*Department of Child Services; 465 IAC 2-15-14; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA*)

**465 IAC 2-15-15 Services provided to approved applicants**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-27-6; IC 31-28-5.7; IC 31-34

Sec. 15. (a) Upon final approval of an application for OYFC services and entry of a court order approving a petition filed under section 11(b) of this rule, the department will provide the services to or for the benefit of the older youth as described in this section.

(b) The department will arrange for:

- (1) appropriate foster care for the youth during the term of the agreement described in this section; or
- (2) continuation of the youth's current placement following closure of the juvenile court case, if the placement meets the conditions stated in subsection (c).

(c) A placement under subsection (b) must be:

- (1) currently meeting, and expected to continue to meet during the term of the agreement, the needs of the older youth for an appropriate home of residence while the youth is preparing for self support; and
- (2) agreeable to both the older youth and the adult residents of the home in which the youth is placed, as evidenced by a signed placement agreement in the form prescribed by the department.

(d) The department and the older youth will jointly prepare a transitional services plan for the youth, as described in 465 IAC 2-14-8, in accordance with all applicable procedures described in 465 IAC 2-14, within sixty (60) days after a placement of the youth under subsection (b). The parties to the transitional services plan agreement will implement all provisions of the plan during the term of the placement agreement under this section.

(e) During the term of the placement agreement, the department will make payment to the appropriate foster parent, on behalf of the older youth placed in foster care under this section, in an amount equal to the daily rate payable by the department for regular foster care for purposes of an out-of-home placement of a child over sixteen (16) years of age in a child in need of services case under IC 31-34.

(f) The department will select and designate an assigned monitor for the older youth, who will do the following:

- (1) Monitor on a continuing basis the progress being made in implementing the transitional services plan prepared and

approved under subsection (d).

(2) Meet in person with the older youth from time to time as needed, at least once in each period of six (6) months while the placement agreement is in effect, to discuss implementation of the plan and agreement terms, and any other issues or concerns that the youth may have.

(3) Submit to the department local office for the county in which the placement home is located, at least every six (6) months during the term of the placement agreement, a written status report regarding implementation of the placement and transitional services plan agreements, including, but not limited to, the following:

(A) A summary of matters discussed at meetings under subdivision (2).

(B) A copy of any monthly reports received from the youth under section 17(b) of this rule.

(C) A summary of efforts made, as provided in section 17(c) of this rule, to locate new employment for the youth following an involuntary layoff.

(g) The department and the older youth will sign a placement agreement, in a form approved by the department. The agreement will include the following:

(1) The placement conditions.

(2) The term during which the agreement will be effective.

(3) An outline of the services to be provided.

(4) The time each status report will be due as provided in subsection (f)(3).

(5) The times and circumstances for the youth to submit any report to the assigned monitor that may be required under section 17(b)(2) or 17(d)(3) of this rule.

(6) The grounds for termination of the agreement as provided in section 18 of this rule.

(h) If the department has approved eligibility of the youth for OYFC services based on part-time employment, as provided in section 8(a)(1)(B) of this rule, the placement agreement will include a provision requiring the youth to make reasonable efforts, on a continuing basis, to obtain full-time employment, by utilizing the assistance of available public or private employment agencies and by contacting referrals to possible employment opportunities made by the assigned monitor or other representative of the department.

(i) The placement agreement may be amended from time to time during its term, as necessary or appropriate in the circumstances, by written agreement between the older youth and the department. Any amendment shall be submitted to the department permanency manager or designee for approval before its signature. An amendment shall not extend the expiration date of the term of the agreement to a time later than the date the older youth will become twenty-one (21) years of age.

(j) The placement agreement and any amendment will be approved by the foster parent or parents to whom the department issued the license for the home in which the older youth resides or will reside, as evidenced by the signature of the foster parent or parents on the agreement. If the foster family home is managed or supervised by a licensed child placing agency under IC 31-27-6, the department will mail a copy of the signed agreement to the supervising child placing agency. (*Department of Child Services; 465 IAC 2-15-15; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA*)

#### **465 IAC 2-15-16 Rules for conduct of youth receiving OYFC services**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7

Sec. 16. (a) The department may adopt policies specifying rules for the conduct and behavior of an older youth while receiving OYFC services through a foster care placement under this rule.

(b) Any rules of conduct included in a policy adopted under this section will be provided to the older youth upon signature of the placement agreement under section 15(g) of this rule and will be incorporated by reference in the agreement.

(c) An older youth placed in foster care under this rule must also comply with all reasonable standards of conduct established by the foster parent or parents responsible for maintenance of the home, during the time the youth is residing in the home. If the youth believes that any standard or rule of conduct to which this subsection applies is unreasonable or oppressive, the youth may request a conference with the assigned monitor appointed under section 15(f) of this rule. The assigned monitor will make a reasonable effort to mediate the issue and resolve by negotiation any dispute between the youth and the foster parent or parents concerning standards of conduct applicable to the youth while residing in the home. If the dispute cannot be satisfactorily resolved by the assigned monitor, with assistance of the department local office if requested, the local office will attempt to locate a different foster family home that will accept placement of the youth during the remainder of the term of the placement agreement. (*Department of Child Services; 465*

*IAC 2-15-16; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

**465 IAC 2-15-17 Maintenance of eligibility during receipt of OYFC services**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7

Sec. 17. (a) Each older youth receiving OYFC services under this rule must maintain all applicable eligibility requirements, as specified in section 8 of this rule, during the term of the placement agreement.

(b) If eligibility is based on employment, the youth must:

(1) except as provided in subsection (c), remain employed for:

(A) at least thirty-five (35) hours per week;

(B) at least sixteen (16) hours per week while continuing to seek full-time employment, as provided in section 8(a)(1)(B) and section 15(h) [sections 8(a)(1)(B) and 15(h)] of this rule; or

(C) at least sixteen (16) hours per week, if eligibility is based on part-time employment in conjunction with a part-time education program, as provided in section 8(a)(1)(F) of this rule; and

(2) provide to the assigned monitor a monthly report documenting the youth's current employment status and any efforts to locate new or additional employment, in a form prescribed by the department.

(c) If the youth's full-time or part-time employment is terminated by the employer without fault of the youth, the department local office and the assigned monitor will make every reasonable effort to assist the youth in locating another position that provides equivalent employment. The department may continue to provide OYFC services during the term of the placement agreement, as long as the youth is actively and diligently seeking new employment in cooperation with efforts made by the assigned monitor to assist the youth for that purpose.

(d) If eligibility is based on enrollment or intent to enroll in a school or other educational program, as described in section 8(a)(1)(C), 8(a)(1)(D), or 8(a)(1)(E) of this rule, the youth must:

(1) complete enrollment in the school or program within the time specified in the placement agreement;

(2) remain in good standing in the school or program in which the youth is enrolled, until completion of the graduation or certification requirements of that school or program; and

(3) provide to the assigned monitor within thirty (30) days after the end of any grading period established by the school or program a report, in a form prescribed by the department, documenting the youth's educational status and progress, including any course grades or other progress documentation that the school or program provides to its students.

(e) If the youth is attending a school or educational program on a full-time or part-time basis, the youth must:

(1) meet the requirements of the school or program provider to continue enrollment in a program that provides a defined degree or certification awarded upon its satisfactory completion; and

(2) provide to the assigned monitor any documentation requested regarding continued participation in the educational program and progress made toward completion of all graduation and certification requirements.

*(Department of Child Services; 465 IAC 2-15-17; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

**465 IAC 2-15-18 Termination of OYFC services**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7-1

Sec. 18. (a) The department may terminate the placement agreement before the expiration of its term, in accordance with the procedure specified in this section and without order of the court having jurisdiction over the older youth or the older youth foster care case, for any of the following reasons:

(1) The youth fails to maintain the applicable program eligibility requirements, as provided in section 17 of this rule.

(2) The youth fails to provide to the assigned monitor any report as specified in section 17 of this rule, within the later of seven (7) days after the:

(A) date the report is due, as provided in the placement agreement; or

(B) youth receives a written or verbal reminder from the assigned monitor that the monthly report is overdue.

(3) The youth substantially or repeatedly violates any rules or standards of conduct specified in department policy, or required by the foster parent home in which the youth is residing for purposes of foster care, as provided in section 16 of this rule.

(4) The youth is:

(A) convicted of an offense described in section 8(a)(4)(A) of this rule; or

(B) adjudicated a delinquent based on a petition described in section 8(a)(4)(D)(ii) of this rule;

unless the charge or petition on which the conviction or adjudication was based was disclosed and considered before approval of the placement agreement for OYFC services under section 12 of this rule.

(5) Subject to subsection (c), the assigned monitor or the department receives credible evidence that the youth is obtaining, distributing, or using one (1) or more controlled substances or alcoholic beverages under circumstances prohibited by applicable state or federal law.

(6) Subject to subsection (d), a local office of the department has identified the youth as a perpetrator of substantiated child abuse or neglect, based on a report received and assessment completed after the date of signature of the placement agreement.

(7) The youth:

(A) has graduated from the school, or received the certification or degree from the educational program, that the department identified as the basis for eligibility of the youth for OYFC services under section 8(a)(1)(C), 8(a)(1)(D), or 8(a)(1)(F) of this rule; and

(B) is not employed, as described in section 8(a)(1)(A) or 8(a)(1)(B) of this rule.

(8) If eligibility of the youth for OYFC services was based on intent to enroll in a postsecondary educational program under section 8(a)(1)(E) of this rule, the youth failed to:

(A) complete enrollment in the program identified in the application, or a comparable educational program approved by the department, within six (6) months after the youth's eighteenth birthday; or

(B) begin attendance in the program within nine (9) months after the youth's eighteenth birthday.

(9) The youth is terminated or voluntarily withdraws from the school or educational program in which the youth was enrolled as provided in section 8(a)(1)(C), 8(a)(1)(D), or 8(a)(1)(F) of this rule.

(10) The youth has moved from the home in which the youth was residing for purposes of foster care, as provided in the placement agreement, without consent or approval of the department local office of the county where the home is located.

(11) The youth's transitional services plan agreement is terminated under any applicable provision of 465 IAC 2-14-13.

(12) The department discovered after approval of the application and placement agreement that the youth made a materially false or misleading statement in the application, or knowingly omitted a fact or facts material to determination of eligibility for OYFC services, if the false, misleading, or omitted information would have provided a ground for denial of the application under section 14(a)(1) of this rule.

(13) Subject to subsection (c), the assigned monitor recommends, and the local office director approves, termination of the placement agreement and OYFC services for other good cause.

(b) If criminal charges are filed against the older youth:

(1) regarding an offense described in section 8(a)(4) of this rule;

(2) after the date of signature of the placement agreement; and

(3) while the youth is receiving OYFC services under the placement agreement;

the department may suspend the OYFC services provided under the placement agreement or the youth's transitional services plan agreement, pending disposition of the charges. However, the department will continue to pay the applicable foster care rate to the foster care home, as provided in section 15(e) of this rule, if the youth continues to reside in the home while the criminal charges are pending.

(c) A termination based on subsection (a)(5) or (a)(13) will not be effective until a date stated in a written notice mailed or delivered to the older youth, that is not less than thirty-three (33) days after the date the notice is mailed or delivered. The notice:

(1) shall include a statement of the specific facts on which the proposed termination is based; and

(2) will provide to the youth an opportunity to present to the local office director of the county where the youth is residing, by written response and by personal interview if requested, any reasons why the proposed termination should not be approved.

The reasons may include evidence that the factual allegations stated in the notice are false or inaccurate.

(d) A termination based on subsection (a)(6) will not be effective until completion of any administrative review and administrative hearing procedures, available under applicable rules or policies of the department, if the older youth timely submits a request for an administrative review or hearing as provided in those rules or policies.

(e) A termination based on subsection (a)(8) will be effective immediately, on the date the termination notice is mailed or delivered to the youth.

(f) Subject to subsections (c), (d), and (e), a termination notice under this section will be effective on the date stated in the

notice. The effective date will not be earlier than ten (10) days after the date the notice is mailed or delivered to the youth. Within ten (10) days after the date of the notice, the youth may request informal counseling with the assigned monitor or another representative of the department, concerning the stated grounds for termination and any related facts or circumstances. The department may agree to suspend or delay the effective date at the request of the youth and counselor.

(g) Except as provided in subsection (h), all OYFC services provided under the placement agreement will be suspended on the termination effective date, and will terminate upon expiration of the time allowed to request administrative review under section 19(d) of this rule. If administrative review is timely requested, the services will remain suspended until completion of the administrative review proceedings.

(h) This subsection does not apply to a notice of termination of OYFC services under subsection (a)(8) for failure to enroll timely in a school or educational program, or under subsection (a)(10) for moving from the approved foster home without consent or approval of the department local office. The department will continue to make payments to the foster parent, as provided in section 15(e) of this rule, until expiration of the time for requesting administrative review of a termination notice under section 19 of this rule, or until a timely requested administrative review has been completed, if both the older youth and the foster parent request continuation of the placement during that time.

(i) The older youth may terminate the placement agreement by giving written notice to the department that the youth:

(1) intends to move from the foster family home in which placement for foster care was approved by the department to another independent living arrangement, without prior approval of the department; or

(2) subject to subsection (j), does not intend to complete the program or services identified in the placement agreement, or maintain the applicable employment or educational requirements as specified in section 17 of this rule.

(j) Termination of services provided under the older youth's transitional services plan agreement is subject to the procedures specified in 465 IAC 2-14-13.

(k) Whenever a placement agreement is terminated under this section, the local office will:

(1) file with the court that approved the petition for OYFC services under IC 31-28-5.7-1(c) or section 12(e) of this rule a notice stating the effective date of termination; and

(2) request that the court terminate jurisdiction over the older youth and close the older youth foster care case.

(l) The provisions of the placement agreement described in section 15(g) of this rule shall include a summary of the grounds and procedures for termination of the agreement, as provided in this section.

(m) Upon termination of a placement agreement under this section, the assigned monitor will meet with the older youth to do the following:

(1) Review the provisions of the transitional services plan agreement, unless the transitional services plan agreement has been or will be terminated.

(2) Provide to the older youth information concerning other services that may be available to assist the youth, including, but not limited to, voluntary transition services for which the youth may be eligible under any applicable provision of 465 IAC 2-14.

*(Department of Child Services; 465 IAC 2-15-18; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

#### **465 IAC 2-15-19 Administrative review of certain determinations**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-26-6-4; IC 31-28-5.7

Sec. 19. (a) This section applies to any of the following determinations by the department under this rule:

(1) A determination by a local office director under section 9(d) of this rule that an applicant for OYFC services is ineligible, based on failure to meet an eligibility requirement specified in section 8 of this rule.

(2) A denial of an application for OYFC services, as provided in sections 10 and 11 of this rule, for any reason specified in section 14 of this rule.

(3) A termination of OYFC services before expiration of the term of the placement agreement, for any reason specified in section 18 of this rule.

(b) This section does not apply to any actions taken by the department under this rule, or any policies of the department that implement or relate to this rule, other than the actions described in subsection (a).

(c) An older youth adversely affected by any department action described in subsection (a) may request an administrative review of that action by submitting to the director of the department, or to the director of the local office of the department in the

county where the youth resides, a written complaint, in a form prescribed by the department. The complaint must include a statement of the specific reason or reasons why the older youth believes that the department's decision was erroneous. The local office will provide to an older youth, on request, the complaint form to be completed for purposes of a request for administrative review under this section.

(d) A complaint under subsection (c) must be received by the department within thirty-three (33) days after the date of service on the older youth of written notice of the reviewable decision or determination. The notice must state the reason or reasons for the decision and the facts and circumstances on which the department relied in making its decision. For purposes of this subsection, "date of service" means the date the department or local office either personally delivered the notice to the older youth or deposited the notice in the United States mail addressed to the older youth at his or her current or last known residence address.

(e) The department or local office will submit every complaint under this section that the department or a local office receives to the deputy director for programs and services, who will appoint a review panel for purposes of considering the complaint.

(f) A review panel appointed under subsection (e) will consist of the following three (3) members:

(1) A local office director or family case manager supervisor in the department's service region, established under IC 31-26-6-4, in which the complainant resides;

(2) The regional manager of the service region in which the complainant resides, or another regional manager of the department if the regional manager of the complainant's service region participated in making the decision that is the subject of the complaint; and

(3) An independent living specialist employed by the department. All members of the review panel must be individuals who were not involved in making the decision or determination that is the subject of the complaint.

(g) The review panel will review all documents identified by the complainant or staff of the department that were considered in making the decision or determination, and any other documents submitted by the complainant with the complaint that may be relevant to the issues presented by the complaint. The review panel may, and if requested by the complainant shall, provide an opportunity for an informal meeting with the complainant and one (1) or more representatives of the department who participated in the decision or determination, for the purpose of discussing the reasons for the decision or determination and the basis for the complaint.

(h) The review panel may, in its discretion, receive and consider information or documents submitted by individuals other than the complainant, as requested or approved by the complainant or the department. However, the review panel will not hold a formal evidentiary hearing or receive testimony of witnesses.

(i) Administrative review under this section of a termination notice based on a reason stated in subdivision (8), (9), (10), or (11) of section 18(a) [section 18(a)(8), 18(a)(9), 18(a)(10), or 18(a)(11)] of this rule is limited to an allegation of mistake of fact. If the review panel concludes that the facts stated in the termination notice are correct, the panel will affirm the termination for the reason or reasons stated in the notice. The decision of the panel under this subsection is final and is not subject to further review under this section.

(j) After completing its review of the complaint and the relevant documents or information provided, the review panel will prepare and submit to the deputy director for programs and services a written report containing its findings, conclusions, and recommended decision concerning disposition of the complaint.

(k) After receipt and review of the report of the review panel, the deputy director will send to the complainant a written decision concerning the disposition of the complaint. The decision of the deputy director:

(1) will state the relevant facts and conclusions; and

(2) except as otherwise provided in subsection (i), may affirm, modify, or reverse the decision or determination that is the subject of the complaint.

(l) The decision of the deputy director will be issued not later than sixty (60) days after the date the department received the complaint, unless additional time for completion of the review and preparation of the decision is approved by the director of the department, based on extenuating circumstances.

(m) The decision of the deputy director may be reviewed by the director of the department, upon written request submitted to the director by the complainant or local office director of the county where the complainant resides, within ten (10) days after the date of service of the decision. For purposes of this subsection, "date of service" means the date copies of the decision were deposited in the United States mail, addressed to the complainant at his or her last known place of residence and to the local office in the county of the complainant's last known residence.

(n) The decision of the deputy director, or the decision of the director if a review by the director is timely requested under subsection (m), shall be the final action of the department regarding any administrative review conducted under this section.

*(Department of Child Services; 465 IAC 2-15-19; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

**465 IAC 2-15-20 Department policies regarding older youth foster care**

Authority: IC 31-25-2-18; IC 31-28-5.7-2

Affected: IC 31-28-5.7

Sec. 20. (a) The department may specify additional procedures, and develop standard forms, as necessary or appropriate to implement the provisions of IC 31-28-5.7 and this rule, relating to approval of applications for, and administration of, OYFC services.

(b) Any additional or supplemental procedures and forms shall be:

(1) included or referenced in department policies;

(2) posted on the department's website; and

(3) not inconsistent with any applicable federal or state statutes or regulations, or the provisions of this rule.

*(Department of Child Services; 465 IAC 2-15-20; filed Dec 10, 2010, 10:25 a.m.: 20110105-IR-465090168FRA)*

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