

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 47.—Foster Care Licensing

30-47-821. Sleeping arrangements.

(a) Each licensee shall ensure that sufficient space for sleeping is provided to accommodate all residents of the family foster home and each child in foster care. Sleeping space shall not include any of the following places:

- (1) An unfinished attic;
- (2) an unfinished basement;
- (3) a laundry room;
- (4) any living space that is normally used for other than sleeping arrangements; or
- (5) any room that provides routine passage to a common use room, to another bedroom, or to the outdoors.

(b) Each licensee shall ensure that each bedroom used for sleeping by a child in foster care meets the following requirements:

- (1) Each bedroom shall have at least 70 square feet.
- (2) Each bedroom shall have at least 45 square feet for each individual sharing the room.
- (3) The exit path from each bed to each outside exit shall have a minimum ceiling height of six feet eight inches.
- (4) Each bedroom shall have a solid door to ensure privacy.
- (5) Each bedroom shall have at least two means of escape. Each means of escape shall be easily opened from the inside.
 - (A) At least one means of escape shall be an unobstructed pathway leading to an exit door to the outside.
 - (B) The second means of escape shall give direct access to the outside and shall be an unobstructed door or window that is able to be opened from the inside without the use of tools.

(C) For each window used as a means of escape, all of the following requirements shall be met:

(i) The window shall have a width of at least 20 inches and a height of at least 24 inches.

(ii) The window shall be within 44 inches of the floor or shall have permanent steps or another immovable fixture that brings the window to within 44 inches of the top of the steps or fixture.

(iii) If the window is screened, the screen shall be easily removed from the inside.

(iv) The licensee shall ensure that each occupant of the bedroom can easily exit through the window.

(c) Privacy for the occupants of all bedrooms shall be ensured.

(d) Each child in foster care shall have a separate bed or crib that meets the following requirements:

(1) Is intact, fully functional, and in good repair to prevent injury or entrapment of the child;

(2) is of sufficient size to accommodate the size and weight of the child;

(3) has a mattress that is clean and has a waterproof covering, if needed; and

(4) has bedding adequate to the season and appropriate to the age of the child.

(e) If a bunk bed is used by any child in foster care, the following requirements shall be met:

(1) The upper bunk shall be protected on all sides with rails. Headboards and footboards may substitute for rails on the ends of the bed.

(2) Each child in foster care using the upper bunk shall be at least six years of age.

(f) Each child in foster care less than 12 months of age shall sleep in a crib. For the purposes of a nap, the child may sleep in a playpen. Each crib and each playpen shall meet the following requirements:

(1) If a crib or playpen is slatted, the slats shall be spaced no more than 2 3/8 inches apart.

(2) Each crib shall have a firm mattress fitted in accordance with manufacturer's recommendations.

(3) The crib corner post extensions shall not exceed 1 1/16 inch.

(4) No pillow, quilt, comforter, blanket, bumpers, or other soft product that could cause suffocation shall be used in the crib or the playpen when a child who is less than 12 months of age is sleeping in the crib or playpen.

(g) Any child in foster care who is less than 12 months of age shall be put to sleep on the child's back unless ordered otherwise by the child's physician.

(h) Any child in foster care 12 months and older may sleep in a crib until that child is 18 months of age.

(i) Any child in foster care 18 months but not yet 30 months of age may sleep in a crib as recommended by the child's medical provider.

(j) At night, each caregiver shall sleep within hearing distance or use a nonrecording monitoring device for each child in foster care under the age of six years and each child in foster care that has special developmental or medical needs requiring close supervision as documented by the child's medical or mental health provider.

(k) When any child in foster care shares a room, the following requirements shall be met:

(1) Each child in foster care six years of age and older shall share the room only with children of the same sex.

(2) Each licensee shall use reasonable and prudent parent standards when determining room sharing arrangements. The licensee shall take into consideration each child's age, maturity level, behavior disorders, developmental delays, anger management, and thrill-seeking behaviors.

(3) A child who is known to have committed an unlawful sexual act or who is a sexual abuse victim shall not share a room until both of the following conditions are met:

(A) The potential roommate arrangements are assessed by the child-placing agent, the home's sponsoring child-placement agency, and the licensee.

(B) Based on the assessment, a determination is made by the child-placement agency that it is unlikely that further sexual abuse will result from the child sharing a room.

(l) A child in foster care who is a parent may share a room with the parent's own child or children. The room shall meet the requirements in paragraph (b)(2).

(m) Any child in foster care may sleep in the bedroom of the licensee under any of the following circumstances:

(1) The child in foster care is less than 18 months of age.

(2) The child in foster care is ill.

(3) The child in foster care has special developmental or medical needs requiring close supervision as documented by a physician.

(n) If a child in foster care sleeps in the licensee's bedroom, the bedroom shall have at least 130 square feet.

(o) Each licensee shall ensure that separate and accessible drawer space for personal belongings and closet space for clothing are available for each child in foster care.

(Authorized by K.S.A. 65-508, 75-3084 and 75-3085; implementing K.S.A. 65-508; effective June 7, 2024.)

***** Authenticated Kansas Administrative Regulation *****