

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 47.—Foster Care Licensing

30-47-104. Terms of temporary permit or license.

(a) Temporary permit or license required. No person shall operate a center unless the person has been issued a temporary permit or a license by the secretary.

(b) Requirements. Each permittee and each licensee shall ensure that the following requirements are met:

(1) Each temporary permit or license shall be valid only for the permittee or licensee and for the address specified on the temporary permit or the license. When an initial or amended license becomes effective, all temporary permits or licenses previously granted to the permittee or licensee at the same address shall become void.

(2) The maximum number, the age range, and the gender of juveniles authorized by the temporary permit or the license shall not be exceeded.

(3) The current temporary permit or the current license shall be posted in an area accessible to the public.

(c) New application required. A new application and the fee specified in K.A.R. 30-47-103 shall be submitted for each change of ownership or location at least 90 calendar days before the planned change.

(d) Changes. Each applicant, each permittee, and each licensee shall obtain the secretary's written approval before making any change in any of the following:

(1) The use or proposed use of the buildings;

(2) the physical structure of any building, including the following:

(A) An addition or alteration as specified in K.A.R. 30-47-107;

(B) the use of locked entrances; and

(C) any delayed-exit mechanisms;

(3) the program, provided through either direct services or agreements with specified individuals or community resources, which shall include the following: ongoing communications protocols established with local law enforcement authorities;

admission, discharge, referral or records transfer processes coordinated with treatment providers and community mental health centers; and emergency plan protocols established with local health care providers; or

(4) orientation topics or required in-service training.

(e) Renewals.

(1) Each licensee shall complete and submit an application for renewal on forms provided by the department, the fee specified in K.S.A. 65-505 and amendments thereto, and the request for background checks specified in K.A.R. 30-47-105, 90 calendar days before the renewal date.

(2) Failure to submit the renewal application and fee within 30 days after the renewal due date shall result in an assessment of a late renewal fee that is equal to the renewal fee, pursuant to K.S.A. 65-505 and amendments thereto, and may result in closure of the facility.

(f) Exceptions. Any applicant, permittee, or licensee may request an exception to a specific regulation. Each request shall be submitted to the secretary on a form provided by the department. The exception may be approved at the discretion of the secretary if the intent of the regulation is met in an alternative manner.

(1) A request for an exception may be granted if the secretary determines that the exception is not detrimental to the health, safety, and welfare of one or more juveniles or the family of a juvenile and the exception does not violate statutory requirements.

(2) Written notice from the secretary stating the nature of each exception and its duration shall be kept on file at the center and shall be readily accessible to the department.

(g) Amendments to license. Any licensee may submit a written request for an amended license.

(1) Each licensee who intends to change the terms of the license, including the maximum number, the age range, or the gender of juveniles to be served, shall submit a request for an amendment on a form provided by the department and a nonrefundable amendment fee of \$35. An amendment fee shall not be required if the request to change the terms of the license is made at the time of license renewal.

(2) Each request for a change in the maximum number, the age range, or the gender of juveniles to be served shall include written documentation of the notification to the school district where the center is located, as specified in K.A.R. 30-47-103.

(3) The licensee shall make no change to the terms of the license, including the maximum number of juveniles, the age range of juveniles to be served, the gender of juveniles, and the type of license, unless an amendment has been granted by the secretary in writing.

(h) Closure. Each center shall have policies and procedures related to the closure of the center. The policies and procedures shall include record retention for the center. Any applicant or permittee may withdraw the application for a license. Any licensee may submit, at any time, a request to close a facility operated by the licensee. If an application is withdrawn or a facility is closed, the current or temporary permit or license granted to the permittee or licensee for that facility shall become void.

(Authorized by K.S.A. 65-505, 65-536, 75-3084, and 75-3085; implementing K.S.A. 65-504, 65-508, and 65-536; effective June 7, 2024.)

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