

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 47.—Foster Care Licensing

30-47-815. Behavior management practices; prohibited punishment; physical restraint; notification requirements.

(a) Behavior management practices.

(1) Each licensee shall ensure that positive methods are used for behavior management that are appropriate to the age- or developmental level of the child in foster care and encourage cooperation, self-direction, and independence.

(2) Each licensee shall use methods of behavior management that are designed to help each child in foster care develop inner controls and manage the child's own behavior in a socially acceptable manner.

(3) If time-out is used to manage behavior, the child in foster care shall remain in time-out in accordance with the child's age- or developmental level and only long enough to regain self-control.

(4) For each child in foster care who is not able to develop self-control or self-management, behavior management techniques shall be approved, in writing, by the case planning team.

(b) Prohibited punishment.

(1) No individual shall use any of the following means or methods of punishment of a child in foster care:

(A) Punishment that is humiliating, frightening, or physically harmful to the child;

(B) corporal punishment, including hitting with the hand or any object, yanking arms or pulling hair, excessive exercise, exposure to extreme temperatures, or any other measure that produces physical pain or threatens the child's health or safety;

(C) restricting movement by tying or binding;

(D) confining a child in a closet, box, or locked area;

(E) forcing or withholding food, rest, or toilet use;

(F) refusing a child access to the family foster home;

(G) mental and emotional cruelty, including verbal abuse, derogatory remarks about a child in foster care or the child's family, statements intended to shame, threaten, humiliate, or frighten the child, or threats to expel a child from the family foster home; and

(H) placing soap, or any other substance that stings, burns, or has a bitter taste in the child's mouth, or on the tongue, or any other part of the child's body.

(2) Each licensee shall be prohibited from giving medications, herbal or folk remedies, and drugs to control or manage behavior, except as prescribed by the licensed physician or licensed nurse practitioner of the child in foster care.

(3) No child in foster care shall be forced to participate in publicity or promotional activities.

(4) Each licensee shall be prohibited from publicly identifying any child in foster care to the embarrassment of the child.

(5) No child in foster care shall be forced to acknowledge dependency on the family foster home or to express gratitude to the licensee.

(6) Each licensee shall be prohibited from using physical restraint to manage behavior unless all of the requirements of subsection (c) are met.

(c) Physical restraint.

(1) Each licensee shall ensure that before using physical restraint, other de-escalation methods are used. If other de-escalation methods fail and the behavior of the child in foster care is a danger to self or others or directly affects an individual's health, safety, and welfare, a physical restraint may be used in accordance with the approved restraint program.

(2) No bonds, ties, or straps shall be used to restrict movement. The child in foster care shall be held only until one of the following conditions is met:

(A) The child regains behavioral control.

(B) The child is no longer a threat to self or others.

(C) The restraint has lasted 20 minutes with no improvement in the child's behavior.

(3) Each licensee using physical restraint in any situation other than an emergency shall have a current certificate on file documenting the training in de-escalation methods and physical restraint procedures and techniques specified in K.A.R. 30-47-806.

(4) The licensee shall have on file a case plan, permanency plan, or person-centered plan authorizing the use of physical restraint for each child in foster care whose behavior cannot be managed by other less intrusive methods and whose behavior requires the use of ongoing physical restraint on a recurring basis for the child's protection or the protection of others.

(d) Notification requirements. Each caregiver shall inform the child's child-placing agent and the sponsoring child-placement agency each time physical restraint is used.

(1) The licensee shall document each use of physical restraint on a form that contains the following:

(A) The child's name and birth date;

(B) the date and the start and end times of the physical restraint;

(C) a description of the other de-escalation methods attempted before the use of physical restraint;

(D) a description of the child's behaviors and condition and the incidents that led to the use of physical restraint;

(E) a description of the child's behavior during and following the physical restraint;

(F) a description of any follow-up actions taken;

(G) the name of the individual who used physical restraint on the child; and

(H) the name of the licensee completing the report and the date completed.

(2) Each licensee shall file the report with the child's child-placing agent and the sponsoring child-placement agency no later than the next working day following the use of physical restraint. The use of physical restraint as an emergency intervention shall be reported to the sponsoring child-placement agency at the conclusion of the intervention when the child is no longer a danger to self or others.

(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 *****