

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 47.—Foster Care Licensing

30-47-800. Definitions.

For the purposes of this section, the following definitions shall apply:

(a) "Applicant" means a person or persons who have applied for a license but who have not yet been granted a temporary permit or a license to operate a family foster home.

(b) "Age-, or developmentally appropriate," when used to describe activities or items, means that the activities or items are generally accepted as suitable for children of the same chronological age or level of maturity, based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for the age or age group.

(c) "Basement" means the lowest level, floor, or story of a family foster home that is below ground level on all sides.

(d) "Case plan" means the comprehensive written plan of care developed for each child in foster care by the child's child-placing agent.

(e) "Child in foster care" means any of the following:

(1) Any individual under 16 years of age who has been determined by a court to be a child in need of care and is placed in the custody of the secretary and placed for care in a family foster home or other licensed facility;

(2) any individual under 16 years of age who has been privately placed for care in a licensed family foster home or other licensed facility; or

(3) any individual 16 years of age or older, but not yet 21 years of age, who has been determined by a court to be a child in need of care and is placed in the custody of the secretary and placed for care in a family foster home or other licensed facility or placed in the custody of an individual and privately placed.

(f) "Child-placing agent" means a person or entity that possesses the legal authority to place a child into a family foster home.

(g) "Child-placement agency" means a business or service conducted, maintained, or operated by a person engaged in finding homes for children by placing or arranging for the placement of the children for adoption or foster care.

(h) "De-escalation methods" means the types of intervention used to help reduce a child's level of anxiety or anger. This term shall include physical restraint.

(i) "Department" means Kansas department for children and families.

(j) "Discipline" means positive methods of child behavior management, including instruction, redirection, and de-escalation methods.

(k) "Exception" means an alternative manner of compliance with a specific family foster home regulation or any portion of a specific family foster home regulation that is granted by the secretary to an applicant or a licensee.

(l) "Family foster home" means a child care facility that is a private residence in which an individual person or persons or a married couple resides and provides care for 24 hours a day for one or more children in foster care and for which a license is required by K.A.R. 30-47-801.

(m) "First aid supplies" means a combination of cleansing agents, assorted bandages, disposable gloves, sterile pads, adhesive tape, and elastic bandage.

(n) "Foster family" means all of the individuals living in a family foster home other than the child in foster care. An individual who is living in the family foster home for more than two weeks is considered a foster family member.

(o) "Functional literacy" means the ability to read and write at the level necessary to participate effectively in society.

(p) "High-risk sport or recreational activity" means any sport or recreational activity, including watercraft activities, motorized activities, and the use of a trampoline, that poses a risk of injury to the participant. Safe participation in the high risk sport or recreational activity shall require specialized instruction and may require protective safety gear.

(q) "Licensee" means a person or persons who have been granted a license to operate a family foster home.

(r) "Living space" means the rooms in a family foster home that are used for family activities, including the living room, dining room, family room, game or television room,

and sleeping rooms. This term shall not include bathrooms, laundry rooms, and garages.

(s) "Permanency plan" means the comprehensive written plan documenting the goal for each child in foster care.

(t) "Permittee" means a person who has applied for a license and has been granted a temporary permit to operate by the secretary.

(u) "Person-centered plan" means the comprehensive written plan of care developed for each individual receiving home- and community-based services.

(v) "Physical restraint" means the bodily holding of a child in foster care by a caregiver as a means to help the child regain self-control when the child is behaving in a manner that presents a danger to self or others.

(w) "Premises" means the licensed residence including each building and any adjoining grounds.

(x) "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, which a caregiver shall use when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

(y) "Relative" means an individual who is related to the child in foster care by blood, marriage, or adoption.

(z) "Relative waiver" means the exemption of compliance with a specific family foster home regulation or any portion of a specific family foster home regulation for the relative of a child without an alternative provision to meet the regulation that is granted by the secretary to an applicant or a licensee.

(aa) "Renewal date" means 12 months after a license has been issued.

(bb) "Secretary" means secretary of the Kansas department for children and families.

(cc) "Smoking" means use of an electronic or lighted cigarette, vaporizer, cigar, pipe, or burning tobacco in any device.

(dd) "Social media" means websites and applications that allow users to create and share social networking content.

(ee) "Sponsoring child-placement agency" means the public or private child-placement agency responsible for sponsoring the family foster home, including providing assessment, training, support, inspection, and monitoring for the licensee's compliance with the regulations governing family foster homes.

(ff) "Substitute caregiver" means an individual 14 years of age or older who provides care and supervision in the family foster home, in the absence of the licensee, for a child in foster care.

(gg) "Water hazard" means a body of water at least 24 inches deep that is not a swimming pool, wading pool, or hot tub.

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

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