

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #08/79, AS AMENDED

**FOSTER CARE STANDARDS**

Adopted by the Fond du Lac Reservation Business Committee January 1979.

Amended by Resolution #1077/96 of the Fond du Lac Reservation Business Committee on March 7, 1996.

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**CHAPTER 1: AUTHORITY, FINDINGS, AND PURPOSE**

**Section 101 Authority**

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States of America under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, and the Indian Child Welfare Act of 1978, 25 U.S.C. § 1601 *et seq.*

**Section 102 Purposes**

The Reservation Business Committee finds, and declares the purposes of this Ordinance to be, to establish minimum standards for the operation and regulation of foster homes within the Fond du Lac Reservation.

**Section 103 Reservation of Rights of the Fond du Lac Band of Lake Superior Chippewa**

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time and there shall be no vested private right of any kind against such amendment or repeal. All actions taken pursuant to this Ordinance shall be undertaken pursuant to the authority of the Fond du Lac Band and the Reservation Business Committee, and shall be imbued with the privileges and immunities so held. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or consent to jurisdiction by any forum not expressly authorized to exercise jurisdiction under this Ordinance or applicable law of the United States.

## **CHAPTER 2: INTERPRETATIONAL FORMAT AND GENERAL DEFINITIONS**

### **Section 201 Interpretational Format**

This Ordinance shall be interpreted and applied according to the following format:

- (A) "Standard" shall mean any applicable provision of this Ordinance, with the exception of those provisions entitled "Reason."
- (B) "Reason" shall mean the explanation provided for a standard, and shall be interpreted as a guideline rather than a requirement.
- (C) "Satisfactory compliance" shall mean the method or methods which a family foster home must follow in order to be in full compliance with the standard. Depending on the nature of the standard, satisfactory compliance may include a single requirement, several requirements, or alternative requirement for satisfying the standard.

Reason and/or Satisfactory Compliance provisions are not included when a standard is self-explanatory.

### **Section 202 General Definitions**

The following definitions shall apply in the meanings and interpretation of the provisions of this Ordinance, unless otherwise expressly indicated by the context of a specific provision:

- (A) "Agency" shall mean the Human Services Division of the Fond du Lac Band of Lake Superior Chippewa or other agency which is a duly delegated representative of the Reservation Business Committee for the purposes of this Ordinance.
- (B) "Agency requirement" shall mean those portions of the standards of this Ordinance which are binding upon the agency but not upon the provider. Failure to meet one or more agency requirements shall not be a defense for a provider's failure to meet provider requirements.
- (C) "Applicant" shall mean an individual who has submitted a signed and dated application form to the agency.
- (D) "Band" shall mean the Fond du Lac Band of Lake Superior Chippewa.

- (E) "Band member" shall mean an individual who is an enrolled member of the Fond du Lac Band of Lake Superior Chippewa.
- (F) "Child" shall mean an individual under 18 years of age or an individual who has otherwise been determined by the agency or a court of competent jurisdiction to be eligible for foster care services.
- (G) "Disability" shall mean a physical, sensory, or mental impairment which materially alters one or more major life activity.
- (H) "Extended family member" shall mean, for the purposes of qualification for family foster care licensure under this Ordinance, a person who has reached the age of 21 and who is the child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent. For the purposes of this Ordinance, "extended family member" shall include an individual who has been determined by the Reservation Business Committee to have sufficient personal ties with a child's biological or legally adoptive family, familiarity with the child, and location of residence which assure a continuity of family and community contact.
- (I) "Fire marshal" shall mean an individual who is authorized and designated by the Reservation Business Committee to undertake fire inspections under this Ordinance.
- (J) "Fond du Lac Band" shall mean the Fond du Lac Band of Lake Superior Chippewa, a federally recognized Indian tribe organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, and which occupies the Fond du Lac Reservation pursuant to a treaty with the United States of September 30, 1854, 10 Stat. 1109.
- (K) "Fond du Lac Reservation" shall mean that territory which lies within the exterior boundaries of the Fond du Lac Reservation or other lands within the jurisdiction of the Fond du Lac Band.
- (L) "Foster family home" (or "FFH") shall mean a family dwelling unit used by the license holder to provide care to a foster child or children.
  - (1) Emergency shelter home: A family foster home designated primarily for time-limited emergency placements, which shall not last beyond 30 days.

- (2) Treatment foster care home: a family foster home which is able to provide care in which planned, integrated treatment services are provided to foster children and their parents by foster parents who are qualified to deliver treatment services. Treatment service may be provided to children with severe emotional disturbance, developmental disabilities, serious medical conditions, or serious behavioral problems, including, but not limited to, criminal sexual conduct, assaultiveness, or substance abuse.
- (M) "Human Services Advisory Board" shall mean the Board described in Section 102 of FDL Ordinance #01/07, *Human Services Advisory Board Bylaws*.
- (N) "License" shall mean the document issued by the Reservation Business Committee which authorizes an applicant to provide foster care services pursuant to the provisions of this Ordinance.
- (O) "Licensed capacity" shall mean the maximum number of foster children who can live in a foster home at any given time.
- (P) "Minnesota Chippewa Tribe" shall mean the tribal government formed by the Bois Forte (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Mille Lacs and White Earth Bands of Chippewa pursuant to the Constitution of the Minnesota Chippewa Tribe, and which is governed by the Tribal Executive Committee.
- (Q) "Mobile Home" shall mean a structure, not affixed to or part of land, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing heating, air conditioning, and electrical systems contained in it.
- (R) "Provider" shall mean an individual who provides services to a foster child or children in a licensed family foster home pursuant to the provisions of this Ordinance. The provider is responsible for meeting and maintaining the minimum standards established under this Ordinance.
- (S) "Relative" shall mean any of the following individuals who are related to a child by marriage, blood or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, niece, nephew, uncle, aunt or guardian.

- (T) "Reservation Business Committee" shall mean the governing body of the Fond du Lac Band of Lake Superior Chippewa.
- (U) "Substitute caregiver" shall mean an individual who is providing temporary care for a foster child or children in the absence of the foster parent with the prior approval of the agency and the foster parent.
- (V) "Tribal Executive Committee" shall mean the governing body of the Minnesota Chippewa Tribe, which is comprised of the Chairmen and Secretaries/Treasurer of the Bois Forte (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Mille Lacs and White Earth Bands of Chippewa.
- (W) "Variance" shall mean written consent by the Reservation Business Committee to disregard a particular provision or requirement of this Ordinance, and shall in no event extend beyond one year.

## **CHAPTER 3: LICENSING REQUIREMENTS AND PROCEDURES**

### **Section 301 General Licensing Requirement**

A foster family home on the Fond du Lac Reservation which provides services to a foster child or foster children who are related or unrelated to the family and who are cared for 24 hours a day, must be licensed by the Reservation Business Committee in accordance with the provisions of this Ordinance.

### **Section 302 Application for Licensure**

- (A) Application form. An application for a license shall be made to the agency on the form issued by the Reservation Business Committee. This form shall be obtained from the Fond du Lac Human Services Department.
- (B) Application review and recommendation to Reservation Business Committee. The signed and completed application form, including all supporting documents, shall be evaluated within ninety (90) days in accordance with the provisions of this Ordinance. The name will be submitted to the Human Services Advisory Board for their recommendations. A prospective family foster home meeting these standards shall be recommended to the Reservation Business Committee for issuance of a license. (agency requirement)

- (C) Duration of license. No family foster home license may be issued for more than one year.

**Section 303 General Conditions of Licensure**

- (A) Specificity of license. Every license shall specify the kind of license and the maximum number of foster children to be provided care at any one time as set forth under sections 202(k) and 305 of this Ordinance.

- (B) Emergency relative placements. No child shall be placed in an unlicensed home until that home has begun the required background check and application process, and until that home has begun evaluation for compliance with sections 307 (criminal history), 402 (prohibitive conditions), 605 (general safety) and 606 (fire safety).

- (1) Evaluators may
  - (a) use any sources that are available to the public;
  - (b) obtain signed consents from the relative to access criminal history data that is not available to the public; and
  - (c) forward fingerprints to the Bureau of Criminal Apprehension for submission to the Federal Bureau of Investigation within fifteen (15) calendar days of a name-based check.
- (2) This preliminary review does not take place of the background check required under Section 306.
- (3) This preliminary review should be considered an initial screening for possible criminal or social service history that would be part of an immediate assessment of whether placing a child in the household would endanger their health, safety, or welfare, and to assess the suitability of the relative to care for a child.
- (4) Preliminary screening does not determine disqualification for licensure, but may be used for assessment purposes to determine placement decisions.
- (5) When possible, an initial inspection of a home must occur prior to placing a child in a relative's home, but no later than three (3) working days after a child is placed in the home.

- (a) During the initial home visit with the relative, the Fond du Lac Home Safety Checklist must be completed to ensure the health and safety of a child; and
  - (b) The relative must be informed that the Fond du Lac Application for Child Placement, and other necessary paperwork, is to be completed within ten (10) calendar days of the emergency placement and sent to Fond du Lac Human Services.
- (C) Agency access to home. The agency shall have access to the family foster home for evaluation at any time during normal working hours and at other times by mutual agreement. For the purpose of investigating complaints concerning the health and safety of the foster children, the agency shall have access to the home at any time during the 24 hour day.
- (D) Investigation of complaints. Any complaint concerning a family foster home licensed pursuant to this Ordinance shall be investigated immediately, and an application for licensure shall constitute consent to such investigation. (agency requirement)
- (E) Concurrent day care license. A family foster home may not concurrently hold a license for family day care, group family day care, or group day care without the prior approval of the Reservation Business Committee. There is an automatic exemption if the license is for one child.
- (F) Prohibition of concurrent foster care licenses. A family foster home shall not be licensed through more than one agency at a time.
- (G) Provision of Ordinance and Foster Care Agreement to Applicants. Every applicant for a family foster home license and all currently licensed foster homes under this Ordinance shall be furnished by the agency with a copy of this Ordinance and a copy of the form "Agreement between Foster Parents and Placement Agency." (agency requirement)
- (H) Foster Family Home Investigation (alternately known as "facility" investigation). Provider shall cooperate with county-led investigations.

#### **Section 304 Limitations of Licensure**

The following limitations of licensure shall apply to all family foster homes which are licensed under this Ordinance (see also Appendix B):

- (A) Maximum children. Each family foster home which is licensed under this Ordinance shall have no more than six (6) foster children. The maximum number of children allowed in a home is eight (8). The license holder must maintain a ratio of one (1) adult for each five (5) children.
- (B) Capacity limits.
- (1) A foster home must have no more than three (3) children who are under two (2) years of age or who are nonambulatory, unless the license holder maintains a ratio of at least one (1) adult present when children are present for every three (3) children under two (2) years of age or children who are nonambulatory.
  - (2) A foster home must have no more than four (4) foster children at one time if any of the children has severe or profound developmental disabilities, severe emotional disturbance, or is a person assisted by medical technology.
  - (3) The number of foster children a foster home may accept must be limited based on:
    - (a) the license holder's ability to supervise, considering the adult-to-child ratio in the home;
    - (b) the license holder's training, experience, and skills related to child care;
    - (c) the structural characteristics of the home;
    - (d) the license holder's ability to assist children in the home during emergencies; and
    - (e) the characteristics of the foster children, including age, disability, and emotional problems.
- (C) Training requirement. Where the foster care provider has not at the time of relicensure completed the annual training required under Chapter 4 of this Ordinance, no further placements may be made in that home until the provider has complied with the training requirements. The license will be restricted to the children currently placed in that home.

- (D) Housing. No licensure shall be available for families who live in elderly housing, assisted living, or permanent supportive housing.

**Reason:** The abilities of parent(s) to provide care to foster children differ greatly. While the maximum number of children allowed in foster homes must be flexible, the maximums set must enable foster family parents to devote sufficient time to each child.

- (E) Exceptions to capacity limits. Exceptions to allow up to eight (8) foster children in addition to the license holder's own children if:

- (1) siblings need placement together, to keep a child in the child's home community, or is necessary because the foster child was formerly living in the home and it would be in the child's best interest to be placed there again;
- (2) there is no risk of harm to the children currently living in the home;
- (3) the structural characteristics of the home, including sleeping space, can accommodate the additional foster children;
- (4) the home remains compliant with applicable zoning, health, fire, and building codes; and
- (5) the statement of intended use states the conditions for the exception to capacity limits and explains how the license holder will maintain a ratio of adults to children which ensures the safety and appropriate supervision of all of the children in the foster home.

- (F) Age requirement for providers. All family foster home providers must be at least 21 years of age at the time of licensure.

- (G) Nontransferability of licenses. A license is not transferable to another provider or site.

- (H) Notification to agency of material changes. The agency must be notified, in advance, of any changes that would affect the terms of the license, such as a change of address or additional persons in the home.

- (I) Adult roomers or boarders. A family foster home may not have adult (age thirteen or older) roomers or boarders unrelated to the family foster home provider without a background check and special permission of the Fond du Lac Human Services Advisory Board. The family foster home shall keep the agency informed about all

persons living in the home and all others having regular contact with the foster child in the foster home.

- (J) Foster parent agreement. The family foster home applicant and agency must sign and abide by the terms of the Foster Parent Agreement.

### **Section 305 Licensure of an Extended Family Member**

An applicant or provider who is an extended family member of at least 21 years of age and who otherwise meets the qualifications and requirements for licensure under this Ordinance shall be given preference in licensure under this Ordinance, and when such placement is important to maintaining a child's relationship with his or her family, the status of the applicant or provider as an extended family member to that child shall be deemed a significant factor in determining whether to grant a variance under Section 308 of this Ordinance.

### **Section 306 Criminal History Investigations and Prohibitions**

- (A) Criminal history and background investigations. Each applicant and provider under this Ordinance, and in compliance with the Adam Walsh Child Protection and Safety Act of 2006, and all persons within the household who are age 13 or older, shall submit to a criminal history and background investigation to meet the requirements of this section, and the application and receipt of licensure under this Ordinance shall constitute consent to such investigation by the applicant or provider.

(1) Every background investigation shall review:

- (a) Records of substantiated perpetrators of maltreatment of vulnerable adults;
- (b) Records relating to maltreatment of minors in licensed programs;
- (c) Information from juvenile courts, the Bureau of Criminal Apprehension, and the National Crime Information Center;
- (d) The child abuse neglect registry for any State in which the applicant has resided during the past ten (10) years; and
- (e) Information from national crime information databases for any individual age eighteen (18) or older.

- (f) Maltreatment records by county social services and county sheriff's department; and
  - (g) Finger-print records on file with the Federal Bureau of Investigation.
- (B) Criminal prohibitions. If the criminal history or background investigation respecting any applicant or provider under this Ordinance indicates a record of a conviction or plea of no contest or guilty to any crimes specified under this subsection in a federal, state or tribal court, that applicant or provider shall be denied licensure of a family foster home under this Ordinance for the period indicated:
- (1) Permanent disqualification:
    - (a) Murder;
    - (b) Manslaughter;
    - (c) Felony domestic assault;
    - (d) Felony assault;
    - (e) Violation of predatory offender registration laws;
    - (f) Great bodily harm caused by distribution of drugs;
    - (g) Aggravated robbery;
    - (h) Kidnapping;
    - (i) Solicitation, inducement, or promotion of prostitution;
    - (j) Receiving profit from prostitution;
    - (k) Felony of malicious punishment of a child;
    - (l) Felony neglect or endangerment of a child;
    - (m) First degree arson;
    - (n) Felony drive-by shooting;
    - (o) Felony stalking;
    - (p) Criminal sexual conduct;
    - (q) Criminal sexual predatory conduct;
    - (r) Solicitation of children to engage in sexual conduct;
    - (s) Indecent exposure involving a minor;
    - (t) Incest;
    - (u) Use of minors in a sexual performance;
    - (v) Possession of pictorial representation of a minor; or
    - (w) Aiding and abetting, attempt, or conspiracy to commit any of (a) – (v) above.

- (2) Disqualification for a period of at least 10 years post-discharge by order of the court following stay of sentence or stay of execution of sentence, or 10 years past expiration of the sentence:
- (a) Wrongfully obtaining welfare or childcare assistance, food stamps, or unemployment benefits;
  - (b) Insurance fraud;
  - (c) Criminal vehicular homicide or injury;
  - (d) Aiding suicide or aiding attempted suicide;
  - (e) Assault in the first, second, third or fourth degree;
  - (f) Great bodily harm caused by distribution of drugs;
  - (g) Felony drug possession, manufacture, or sale;
  - (h) Crime committed for the benefit of a gang;
  - (i) Criminal abuse or financial exploitation of a vulnerable adult;
  - (j) Mistreatment of confined persons;
  - (k) Mistreatment of residents or patients;
  - (l) Simple robbery;
  - (m) False imprisonment;
  - (n) Abduction;
  - (o) Assault of an unborn child in the first, second or third degree;
  - (p) Injury or death of an unborn child in the commission of a crime;
  - (q) Use of drugs to injure or facilitate crime;
  - (r) Felony-level conviction involving alcohol or a controlled substance;
  - (s) Unlawful coercion;
  - (t) Aiding a criminal offender;
  - (u) Tampering with a witness;
  - (v) Identity theft;
  - (w) Forgery;
  - (x) Gross misdemeanor offense of malicious punishment of a child;
  - (y) Neglect or endangerment of a child;
  - (z) Arson in the first or second degree;
  - (aa) Burglary in the first or second degree;
  - (bb) Setting a spring gun;
  - (cc) Reckless use of a gun or dangerous weapon, or intentionally pointing a gun at or towards a human being;
  - (dd) Unlawfully owning, possessing or operating a machine gun or short-barreled shotgun;
  - (ee) Riot;
  - (ff) Terroristic threats;
  - (gg) Violation of domestic abuse order for protection; or

- (hh) Disseminating or displaying harmful material to minors.
- (3) Disqualification for a period of at least 5 years post-discharge by order of the court following stay of sentence or stay of execution of sentence, or 5 years past expiration of the sentence:
  - (a) Assault in the fifth degree;
  - (b) Issuance of a criminal domestic abuse no contact order;
  - (c) Disorderly house;
  - (d) Arson in the third degree;
  - (e) Burglary in the third or fourth degree;
  - (f) Interference with privacy;
  - (g) Obscene or harassing phone calls;
  - (h) Indecent exposure not involving a minor;
  - (i) Obscene materials or performance not involving a minor;
  - (j) Indecent literature distribution; or
  - (k) Gross misdemeanor conviction for drugs.
- (4) Other crimes of a similar nature to those under subsections (1) through (3) or as have been determined by the Reservation Business Committee to indicate unsuitability for foster care licensure.
- (C) Background prohibitions. No applicant or provider shall be licensed under this Ordinance where the Reservation Business Committee has determined that the individual's reputation, habits or associations raise a substantial concern as to that individual's suitability or fitness to provide foster care services in the manner required under this Ordinance.
- (D) Drug Screening. All applicants and providers shall be subject to drug screening upon application, re-licensure, and upon suspicion or reasonable belief of illegal drug use.
  - (1) Prohibited substances. Applicants and providers shall be prohibited from the use of any drug not lawfully prescribed by a physician, or the misuse of a lawfully prescribed controlled substance. Any drug test required under this ordinance will test for the presence of any of the following substances:
    - (a) Amphetamine (AMP);
    - (b) Benzodiazepine (BZO);
    - (c) Cocaine (COC);
    - (d) 2-ethylidene-1,5-dimethyl-3,3-diphenylpyrrolidine (EDDP);

- (e) Marijuana (THC);
  - (f) Methadone (MTD);
  - (g) Methamphetamine (MET);
  - (h) Opiates (OPI); and
  - (i) Oxycodone (OXY).
- (2) Positive test. An applicant or provider with a positive test will not be licensed, or will have their license revoked. They may re-apply eighteen (18) months after a positive test, but under no circumstances will they be licensed until they are able to provide a clean test.
- (3) Refusal to submit. Any applicant or provider has the right to refuse drug testing; Fond du Lac has the right to refuse licensure or revoke licensure to anyone who refuses drug testing. Refusal to submit to the requested testing will result in immediate revocation of any current foster care license. Refusal to test/submit includes the following:
- (a) failure to provide a specimen;
  - (b) failure to cooperate with the testing process;
  - (c) failure to report to the collection site in a timely manner;
  - (d) failure to provide adequate specimen without legitimate reason preventing adequate urination; or
  - (e) submitting an adulterated or substituted specimen.
- (4) Collection. Applicants or providers will be tested in-house at the Tribal Center using an oral fluid test or be transported to the Raiter Clinic in Cloquet, the Cloquet Memorial Hospital, or Workright Duluth Clinic for a urine screen. Drug screening may use a urine or an oral fluid test.
- (5) Testing – Lab and Methodology. All urine and oral fluid specimens to be tested for the presence of drugs will be analyzed by a laboratory certified by Health and Human Services (HHS) under the National Laboratory Certification Program as meeting the minimum standards of subpart C of the HHS Mandatory Guidelines for Workplace Drug Testing Programs.

Every specimen is required to undergo an initial screen followed by

confirmation of all positive screen results. Any urine or oral fluid specimens identified as positive on the initial test screen will be confirmed by the use of gas chromatography/mass spectrometry testing. When appropriate, the laboratory will also analyze the specimen for the presence of adulterants. The laboratory shall report to the Medical Review Officer (MRO) any presence of adulterants.

(6) Results.

(a) Negative results will be forwarded to the FDL contact person who will in turn notify the donor by mail of the results.

(b) Positive results. When the initial result is positive, the MRO will contact the donor to first review any prescription medication that the applicant/provider may be taking which could alter the result. After conducting the interview with the donor, the MRO will rule the sample either positive or negative. If the donor has a legitimate prescription for the drug found in the positive result, the sample will be ruled a negative and will be routed back through the negative process.

(i) If the sample is confirmed positive, it will be reported to the FDL contact person, who shall either revoke or refuse the applicant's/provider's foster care license.

(E) Persons excluded from the reservations. No applicant or provider shall be licensed under this Ordinance if they are currently on the Band's Exclusion list.

**Section 307 Variations from Specific Licensure Requirements**

(A) Availability of variances. Variances may be granted by the Reservation Business Committee to specific requirements of this Ordinance, provided that the health and safety of the children is otherwise assured, subject to the procedures and limitations of this section.

(B) Procedure for obtaining variances. Variances must be requested in the following manner:

(1) The applicant or provider must request the variance in writing, and the request must identify the specific requirement(s) of this Ordinance for which the variance is being sought;

- (2) The request must include the reasons that the applicant or provider is unable to comply with the Ordinance requirement(s) for which the variance is being sought;
  - (3) The request must identify the alternative means by which the applicant or provider will comply with the intent of the Ordinance requirement (s) for which the variance is sought; and
  - (4) The request shall state the period of time for which the variance is sought.
- (C) Duration of variance. No variance shall be granted for a period of more than one year.
- (D) Non-precedent. The granting of a variance to a particular applicant or provider shall not constitute a precedent for any other applicant or provider.
- (E) Decision of Reservation Business Committee is final. The decision of the Reservation Business Committee as to whether to grant a request for a variance shall be final and unappealable.

**Section 308 Enforcement for Noncompliance with Ordinance**

- (A) Grounds for adverse action; notice. Failure, inability or refusal to comply with these standards shall be cause for denial, nonrenewal or revocation of license. The agency shall notify by certified mail any family foster home whose license is denied, suspended, revoked, or not renewed. This notification shall state the grounds for such action and shall inform the applicant or provider of his or her right to appeal the action pursuant to Section 310 of this Ordinance.
- (B) Removal of child from home. A foster child may be removed from a family foster home under authorization of the agency, which may rely upon the order of a court having jurisdiction over the child, and according to such other regulations and procedures as are established by the Reservation Business Committee.
- (C) Notice of the revocation of a family foster home license shall be sent by the agency to the Chairman of the Reservation Business Committee.

**Section 309 Appeal of Denial, Suspension, or Revocation of Licensure**

Any applicant whose application for a license is denied and any provider whose license is revoked or not renewed for cause may appeal to the Human Services Advisory Board by

- (A) Completing the appeal form provided by human services;
- (B) Providing documentation of rehabilitative efforts, if relevant;
- (C) Providing at least three (3) letters of recommendation from others; and
- (D) Providing any other information deemed necessary by either the Human Services Advisory Board or the Reservation Business Committee.

The Human Services Advisory Board shall make a recommendation on the appeal to the Reservation Business Committee. The decision of the Reservation Business Committee on such appeal shall be final.

**CHAPTER 4: FAMILY FOSTER HOME QUALIFICATIONS AND TRAINING**

**Section 401 General Qualifications for Licensure**

A family foster home applicant shall be a kind, mature, and responsible individual with a genuine liking for children, and shall possess consistent and healthy methods of handling the life-style unique to his or her own family. The evaluation of an applicant shall consider cultural differences.

**Reason:** Children who must live apart from their own homes are uniquely in need of stable, understanding families. Many children needing placement are emotionally, mentally, or physically handicapped. These children need extra understanding and parenting to cope with their problems.

**Section 402 Prohibitive Conditions to Licensure**

A family foster home license shall not be issued or renewed where any person (except foster children) living in the household has any of the following characteristics:

- (A) Chemical dependency, unless the individual(s) identified as chemically dependent has been chemically free for at least eighteen months, and can provide documentation verifying their sobriety;
- (B) Residence of the family's own children in foster care, correctional facility, or residential treatment for emotional disturbance within the previous twelve months if, in the judgment of the agency, the functioning of the family has been impaired;
- (C) Any criminal prohibition or background prohibition specified under Sections 307(b) or 307 (c) of this Ordinance;
- (D) Failure to comply with a court-ordered service plan; or
- (E) Any child protection finding within the previous ten (10) years.

**Section 403 Home Evaluations**

In order to protect children in foster care and assure them the maximum opportunities for growth and development, each family caring for children shall be evaluated on the following essential elements:

- (A) Family identity. That the family has established and are comfortable with their own identity to the degree that meeting their own needs does not interfere with their meeting the needs of foster children;
- (B) Family environment. That the family has optimism, a sense of humor, resiliency, empathy, a sense of understanding, and ability to enjoy life;
- (C) Family communications. That the family members are in touch with their own feelings, are able to express those feelings, and have a capacity to look at themselves realistically as to the kinds of children they can accept and work with;
- (D) Family health and vigor. That the family has the health and vigor necessary to meet the needs of children placed with them;
- (E) Extra-family ties. That the family has a meaningful extended family, neighborhood, cultural and community ties;
- (F) Adversity management. That the family has the ability to deal with anger, sorrow, frustration, conflict, and other emotions in a manner which will build positive

interpersonal relationships rather than in a way that could be emotionally or physically destructive to other persons;

- (G) Guidance capability. That the family has the ability to give positive guidance, care and training to a child according to his stage of growth, special abilities and limitations;
- (H) Constructive discipline. That the family has the ability to use discipline in a constructive, rather than destructive way;
- (I) Empathy towards child's traits. That the family understands, accepts and seeks to nurture cultural, spiritual, racial, gender, sexuality, and affectional ties and self-identification of the child;
- (J) Ability to accommodate child's special and family needs. That the family has the ability and flexibility to accept a child in placement who has special needs, to treat a foster child as a member of their family, recognizing that a foster child has other family ties;
- (K) Family compatibility with child. That the family has the ability to accept the foster child's own family and maintain an understanding relationship with them;
- (L) Family compatibility with agency. That the family has the ability to work with the agency and other community resources;
- (M) Family involvement in education of child. That the family has a capacity and willingness to involve themselves in on-going educational opportunities, as well as other learning experiences;
- (N) Family problem-solving ability. That the family is able to constructively resolve problems when difficulties arise;
- (O) Ability of family to work with professional staff. That the family is comfortable in relating to professional treatment personnel of all kinds, including the ability to discuss differences of viewpoint;
- (P) Family as advocate. That the family has an ability to be an advocate for the foster child when indicated;

- (Q) Family tolerance of differences. That the family has an ability to openly discuss their attitudes about persons with differing life styles and philosophies and a capacity to accept people who are different from themselves; and
- (R) Social media. That the family does not use social media to discuss or publicize family or personal problems, particularly as they relate to children.

**Reason:** Family foster home applicants and agencies must be able to work in partnership. The agency has overall responsibility for planning with the child. The service of foster parents is an integral and important part of that plan. The relationship between the family foster home and the agency must be one of mutual trust and respect.

**Section 404 Agency Home Visitations**

- (A) Frequency of initial visits by agency. A family foster home shall be visited at least once a month by a representative of the agency for the first six months after the first placement, or after any new placement.
- (B) Long-term visits by agency. An evaluation visit shall be made by the agency for purposes of license renewal at least once every twelve months for as long as the family foster home provider maintains a family foster home license. A copy of the written evaluation report shall be maintained in the family foster home's individual file and, upon request, shall be given to the family foster home provider.

**Section 405 Provider Right to Notice**

From the time of licensure, a family foster home has a right to notification of the policies, procedures, and intentions of the agency towards placement of children in that family foster home.

**Section 406 Dispute Resolution**

Apart from the appeal rights applicable to revocation or nonrenewal of licensure under Section 310 of this Ordinance, providers shall be afforded an opportunity for resolving disputes between the agency and the family foster home. The family foster home provider shall be given a written statement of dispute resolution procedures.

**Section 407 Age or Disability of Provider**

Age or disability of family foster home providers shall be a consideration only as it affects the provider's ability to provide adequate care to foster children or may affect an individual child's adjustment to the family. In accordance with Band policy, reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of foster care. Any current or potential foster family with disabilities should follow the same procedures that Band employees must follow pursuant to the *Fond du Lac Band of Lake Superior Chippewa Policy on Reasonable Accommodation of Disabilities*, adopted by Resolution #1161/14 of the Fond du Lac Reservation Business Committee on May 6, 2014.

**Section 408 Consultation with Specialists**

The agency may request consultation from specialists in evaluating the abilities of prospective family foster home providers, but must evaluate each applicant on an individual basis.

**Section 409 Activities of Providers Outside the Home**

When all adults in the family foster home are employed or otherwise occupied for substantial amounts of time away from the home, the plans for care and supervision of the foster children must be approved in advance by the agency. When assessing plans the agency shall give preference to licensed child care providers with background checks on file. Anyone caring for more than one unrelated family is required to be licensed in order to be approved.

**Section 410 Training Requirements**

- (A) General training requirements. Training opportunities shall be made available and accessible to all applicants and family foster home providers, and each applicant and family foster care provider shall participate in training to develop and enhance their skills. (agency requirement)
- (1) Applicants: Every applicant for a family foster home license shall begin the minimum of six to eight hours of orientation prior to receiving the first child in placement.
  - (2) Current providers: Every family foster home, shall participate in twenty-four hours of annual training related to foster care. The twenty-four hours may be shared among the adult family foster home providers in the home.

(B) Training subjects. Training subjects shall include, but are not limited to:

- (1) Child and adolescent development;
- (2) Communication Skills;
- (3) Roles and relationships in foster care;
- (4) Community Services for children;
- (5) Methods of discipline;
- (6) Constructive problem solving;
- (7) The meaning of a foster child's natural parents;
- (8) Basic first aid;
- (9) Home safety;
- (10) Trauma of separation and skills for handling;
- (11) Human sexuality; and
- (12) Drug affected babies.

(C) Annual requirements. All family foster care providers must receive the following training prior to licensure and at the noted regular intervals thereafter:

- (1) Sudden Unexpected Infant Death Syndrome (every three years);
- (2) Acute Head Trauma (annually);
- (3) Mandated reporting (annually);
- (4) Children's mental health training (annually); and
- (5) Car seat and passenger safety training (every five years).

- (D) Emergency and special services training. In addition to regular training requirements, every family foster home licensed as an emergency-shelter home, treatment foster care home or a group family foster home shall participate in a minimum of six hours annually of additional training related to the special needs of the children in that home.
- (E) Confidentiality training. All foster care providers are mandated reporters and are subject to the training in the area of privacy and confidentiality during orientation.
- (F) Training opportunities for substitute caregivers. Substitute caregivers shall be eligible for the same training as the licensed family foster home providers.
- (G) Access to community resources. Orientation and in-service training can, and should, take place in a variety of settings and through a variety of methods. For example: group sessions offered by local agencies or foster parent associations; regular courses offered by vocational schools, colleges, or universities; TV or correspondence courses; agricultural extension classes; organizational activities such as conferences, conventions, and seminars; special sessions offered by local school districts or mental health centers; Red Cross training; one-to-one "tutoring" by agency staff or experienced foster parents.

**Reason:** The vast majority of children needing placement are children with problems. Many children are emotionally, mentally, or physically handicapped. The intent of an ongoing training program is to build the foster parents' initial interest in providing service and to maximize their ability to provide the highest quality services to children. The aim of this training is to transfer information about foster care and foster children.

## **CHAPTER 5: DISCIPLINE OF FOSTER CHILDREN**

### **Section 501 General Purposes of Discipline**

Discipline is an overall plan for teaching acceptable behavior; punishment is, more narrowly, negative reinforcement for unacceptable behavior. The carrying out of the individual plan for a foster child or the contract between the child and the foster parents involving specified consequences should not be construed as imposing punishment on that child. Although families differ in their approach to discipline, harsh or threatening methods are particularly damaging to children in foster care.

## **Section 502 Prohibited Forms of Discipline**

The following forms of discipline shall be prohibited or limited as indicated in each family foster home which is licensed under this Ordinance:

- (A) Cruel or severe punishment. No child in care shall be subjected to unusual, severe, or cruel punishment.
- (B) Physical or psychological abuse. No child shall be subjected to physical or psychological abuse.
- (C) Verbal abuse or threats. No child in care shall be subjected to verbal abuse, derogatory remarks about himself or members of his family, or to threats to expel the child from the foster home.
- (D) Isolation. Isolation, when used as discipline, shall not exceed ten minutes for any child under six years of age. Isolation shall not exceed one hour for a child six years of age or older. Isolation shall be in a lighted, well ventilated room of at least 50 square feet, and within hearing of an adult. An adult shall periodically check, at least every 10 minutes on a child in isolation. No child shall be isolated in a closet or a locked room. No room shall have locks on the outside of the doors.
- (E) Bed wetting; toilet training. No child shall be punished for bed wetting or with regard to toilet training.
- (F) Deprivation of meals, mail or family visits. No child in care shall be deprived of meals, mail, or family visits as a method of discipline.
- (G) Delegation of punishment to other children. Punishment shall not be delegated to another child.
- (H) Corporal punishment. Corporal punishment is prohibited. Corporal punishment includes but is not limited to hitting, slapping, spanking, pinching, shaking, kicking, biting, washing a child's mouth out with soap, or using hot sauce as a punishment.

## **Section 503 Agency Consultation on Disciplinary Matters**

- (A) Discussion with agency. Methods of discipline to be used in the family foster home shall be discussed with the agency during the application process.

- (B) Agency evaluation. Methods of discipline shall be periodically evaluated by the family foster home and the agency.

## **CHAPTER 6: HEALTH AND SAFETY REQUIREMENTS**

### **Section 601 General Health Requirements**

The health of persons living in the family foster home shall not be a hazard to the children. The applicant or provider shall supply the following documentation to the agency:

- (A) Physician statement. A statement from the applicant or provider's physician dated within 6 months prior to initial licensure and each subsequent renewal that either:
- (1) Members of the family have received a physical examination and are physically and mentally able to provide care to children; or
  - (2) Members of the family are receiving all necessary continuing medical care and are physically and mentally able to provide care to children; the statement must indicate any limitations the provider may have.
  - (3) The statements required under this subsection may not be necessary for children who are members of the foster family if current school reports indicate good health.
- (B) Individual physical examination. The agency may, at its own discretion, require a physical examination of any person living in the home.
- (C) Notification to agency of communicable disease. The family foster home shall make the agency immediately aware of any communicable or infectious disease in the family foster home.
- (D) Individual psychological examination. When, in the opinion of the agency, any person in the home exhibits a mental health problem the agency may require an evaluation of that person by a mental health specialist as a requirement for license.

### **Section 602 Health and Medical Emergencies**

The family foster home provider shall be prepared to cope with health and medical emergencies.

- (A) Family emergency plan. The family foster home provider shall have a plan approved by the agency for meeting medical emergencies. This plan shall include the name and phone number of the child's physician, as provided by the agency. The family foster home provider shall be responsible for carrying out the agreed upon plan for medical and dental care for the foster child.
- (B) First-aid supplies. The family foster home provider shall have first-aid supplies readily available to treat minor injuries.
- (C) Prescription medication. No foster child shall be given prescription medicine not specifically prescribed for him. Any medicine prescribed for a foster child shall be given exactly as prescribed and shall be given by an adult.
- (D) Administration of prescription medication. The family foster home provider shall have written instructions from a licensed physician or dentist prior to the administration of any prescription medication. Medication with current prescription information on the label shall constitute such instructions.

**Section 603 House Pets**

A family foster home that has any house pet(s) shall ensure that every such pet has had all necessary shots. Each household pet must be listed in the initial application for licensure and in each application for renewal thereafter. Family foster home homes shall not have turtles, chickens, or ducks as house pets. A family foster home that has any pet(s) shall complete a hand-washing class.

**Section 604 Accident Reporting**

The family foster home provider shall report immediately to the agency the occurrence of an unusual accident such as the death or serious injury or serious illness of a foster child. A serious injury or illness shall be defined as one requiring professional medical attention. The family foster home provider shall have a means for contacting the agency twenty-four hours per day, seven days per week.

**Section 605 General Safety Requirements**

Each foster home licensed under this Ordinance shall have a safe living environment. In assessing the safety of a home, the agency shall give the appropriate consideration to the preservation of cultural heritage. The following general safety requirements shall be applicable to family foster homes licensed under this Ordinance:

- (A) There must be a safe water supply.
- (B) The house and premises shall be reasonably clean, reasonably neat, and free from hazards that jeopardize health and safety.
- (C) The house and premises shall be clean, reasonably neat, and free from accumulations of dirt, rubbish, or peeling paint.
- (D) All medicines, chemicals, cleaning supplies, and other toxic substances shall be stored out of the reach of children, and must not be stored with or immediately beside food products.
- (E) The use of potentially hazardous materials and tools shall be supervised.
- (F) Outdoor play space shall be enclosed, if necessary, to provide protection.
- (G) The family foster home provider shall maintain personal cleanliness while preparing food.
- (H) Food and cooking utensils shall be stored to protect from dust, vermin, leakage from pipes, or other contamination.
- (I) Food needing refrigeration shall be stored at a temperature that will prevent spoilage and bacterial growth (40 degrees recommended).
- (J) Appliances regularly used in the storage and preparation of food shall be safe and in good working order.
- (K) The use of home canned fruits and vegetables is permitted.
- (L) Measures shall be taken to protect against the entrance into the home or breeding of vermin and insects.
- (M) Children in care shall be adequately supervised at all times.
- (N) All cribs used in a foster family home must comply with federal safety regulations 16 CFR 1219 or 1220. Cribs bought before June 28, 2011, likely do not comply.

- (1) Cribs must be free of plush toys, soft bedding, and bumpers when a child is in the crib.
- (O) A foster child shall be transported in motor vehicles, boats, motor cycles, snowmobiles, ATVs or other motorized craft in a manner which is safe and compliant with applicable law.
  - (1) Foster care providers shall provide documentation of car seat and passenger safety training completed at least every five (5) calendar years.
- (P) The home study required in Section 901(e) must include a plan to maintain a smoke-free environment for foster children.
  - (1) A foster family home and any family vehicle must be free from exposure to secondhand smoke.
  - (2) If the agency determines that the foster parent is unable to provide a smoke-free environment and that the home environment constitutes a health risk to a foster child, the agency must reassess the child's placement.
  - (3) Nothing in this subdivision shall be interpreted to interfere with traditional or spiritual Native American or religious ceremonies involving the use of tobacco.

**Section 606 Fire Safety**

Each family foster home licensed under this Ordinance shall be safe from fire and structural hazards, and shall meet the following requirements:

- (A) An inspection for fire safety using the Fire Safety Check List shall be made jointly by the applicant and the agency before licensure and annually thereafter before relicensure. The agency may request a fire marshal inspection of any family foster home.
- (B) A family foster home to be located in a mobile home must be inspected by a fire marshal and building code officer.
- (C) Any bedroom for a foster child located in a room fifty percent or more below ground level must be inspected by a fire marshal and building code officer, and must have at least two means of exit.
- (D) Unvented gas or oil heaters shall not be permitted.

- (E) No stove or heater shall be located where it would block escape in case of fire.
- (F) A portable A-B-C fire extinguisher shall be provided for the kitchen and cooking areas.
- (G) Combustible items shall not be located near the furnace area or other sources of heat.
- (H) Fireplaces, space heaters, steam radiators, and hot surfaces, such as steam pipes, shall be shielded against accidental contact.
- (I) Every closet door latch shall be one that can be opened from the inside.
- (J) Any bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.
- (K) An UL listed products of combustion detection unit (smoke or ionization), either battery or electrically operated, shall be installed in the corridor or hallway leading to the sleeping area(s) of the family foster home.
- (L) A list of emergency telephone numbers shall be prominently posted, including police, fire, doctor, hospital, ambulance, and emergency social service.
- (M) Each home shall have radon and carbon monoxide detectors installed.

**Section 607 Fire Reporting**

The family foster home provider shall report immediately to the agency the occurrence of any fire that requires the services of a fire department.

**Section 608 Fire Emergency and Evacuation Procedures**

Emergency procedures for fire and evacuation shall be planned, written, and posted in each family foster home which is licensed under this Ordinance, and shall include a plan for evacuation, temporary shelter and meeting place to determine if any member of the household is missing. Emergency procedures shall be reviewed at least annually by the family foster home provider and agency.

The family foster home provider shall make arrangements, approved by the agency, for substitute care during emergencies.

**Section 609 Notification to Agency of Missing Child**

The family foster home provider shall notify the agency as soon as it has been determined that a foster child has run away or is missing.

**Section 610 Agency Inspection**

The agency shall have access to the family foster home at any time during normal working hours and at other times by mutual agreement to inspect the home for compliance with the requirements of this Chapter, and the application and acceptance of licensure shall constitute consent to such inspection.

**Section 611 Media**

Foster parents must not allow photos, sketches, names, or identifying information about foster children to be used in any material that will be available to the public. This includes but is not limited to:

- (A) videos shown to anyone other than immediate family members;
- (B) in holiday cards, other cards, or print material;
- (C) on a web page or anywhere on the internet;
- (D) as part of a presentation for a class;
- (E) in any publication, such as newspapers, company newsletters, and magazines; and
- (F) Internet social networking sites such as Facebook and Instagram.

If foster parents have any questions, consult the child's worker. In some situations, the child's worker may obtain written authorization from a child's parent or legal guardian for usage.

**CHAPTER 7: NUTRITIONAL REQUIREMENTS**

**Section 701 General Nutritional Requirement**

Each family foster home which is licensed under this Ordinance shall serve well-balanced meals daily. Each daily menu shall include servings from each of the basic four food groups as indicated in the Daily Food Guide (see Appendix A).

**Reason:** Balanced nutrition is basic to the attainment of good health. A child grows and develops rapidly, and requires healthy nutrition.

**Section 702 Special Dietary Needs of a Child**

The family foster home provider shall consult with a physician about the diet for each foster child with special dietary needs, such as infants under one year of age, children with allergies, children who are over or under weight, children who are hyperactive.

**CHAPTER 8: DAILY ACTIVITY REQUIREMENTS**

**Section 801 General Activity Requirements**

Every foster child shall be treated as a member of the family foster home. The foster child shall share in the privileges and responsibilities of the home as appropriate to the child's age and abilities. Activities shall encourage optimum physical, social, mental, and emotional development of the child. Activities that enhance the child's appreciation of his cultural heritage shall be supported and encouraged.

**Section 802 Specific Activity Requirements By Age**

(A) Infants:

- (1) Each infant must be held during bottle feeding until he is safely able to hold his own bottle.

**Reason:** An infant's first sense of security is closely related to his food. Being held during feeding helps him to develop a trust relationship with others. It is possible for a young infant to choke on milk or water from a propped bottle.

- (2) Each infant must be held, rocked, cuddled, and played with during each day of care.

**Reason:** Physical closeness to others is indispensable as a first step in social relationships.

- (3) Each infant's attempts to communicate must be responded to.

**Reason:** Baby sounds are the beginning of speech and language development. Socialization is encouraged when the infant receives a response to his babbling.

- (4) The infant must have ample opportunities for freedom of movement every day.

**Reason:** The infant needs large-muscle activity in order to develop properly, physically and mentally. The infant learns by exploring his environment.

**Satisfactory Compliance:**

- (a) The non-creeping infant shall spend part of each day outside of crib and playpen.
  - (b) The creeping infant shall have freedom to explore outside of crib or playpen. A crib or playpen shall be used only for sleeping or for short periods of time when needed for safety. During the infant's waking hours, a playpen shall be placed where the infant can see others.
- (5) The infant must be provided with an environment that stimulates all of his senses.

**Reason:** The infant develops in response to stimuli; normal development can be retarded by a lack of stimulation.

**Satisfactory Compliance:** Infants should be provided with (commercial, homemade, or natural):

- (a) things to look at (e.g., crib mobile);
- (b) things to listen to (e.g., rattle, family foster home providers voice);
- (c) things to feel (e.g., a soft ball);
- (d) things to smell (e.g., newly baked cookies); and
- (e) things to taste (e.g. clean objects that are nontoxic and too large to swallow or choke him).

- (6) Infants under the age of two should have minimal, if any, digital screen time. This includes TV, smart phones, tablets, and other electronic devices.

**Reason:** A child's brain develops rapidly during these first years, and young children learn best by interacting with people, not screens.

(B) Toddlers, preschoolers and school-age children:

- (1) Each child shall be allowed as much independence as he can safely handle.

**Reason:** The child needs to establish his own identity; children learn through exploring and manipulating their environment.

- (2) Each child shall be provided with limits consistent with his age and understanding.

**Reason:** The child needs to learn rules for his own and others safety.

**Satisfactory Compliance:** Each child shall be taught to avoid behavior that would be dangerous to himself or to others.

- (3) Each child shall be encouraged to communicate verbally.

**Reason:** Speech and language development occurs through practice and encouragement. Socialization is encouraged when the child receives a response.

- (4) Each child shall be given physical signs of affection as appropriate for age and maturity.

**Reason:** The child needs physical closeness although he may reject it at times because of his growing need for independence. This independence must be respected, but rocking hugging, and other physical signs of affection must be offered.

- (5) Each child shall be provided with materials and equipment that will enhance his physical, mental, and emotional development.

**Reason:** Appropriate materials and equipment encourage activities among children.

**Satisfactory Compliance:** The family foster home shall provide commercial, homemade: or natural material and equipment of sound construction and working that encourage and stimulate:

- (a) large-muscle activities (e.g., large blocks, cardboard cartons);
  - (b) small-muscle activities (e.g., manipulative toys, craft materials);
  - (c) creative activities (e.g., dress-up clothes, art supplies);
  - (d) cognitive activities (e.g., puzzles, books); and
  - (e) social activities (e.g., games).
- (6) Toilet training shall be undertaken only when appropriate to each child's age and stage of development.

**Satisfactory Compliance:**

- (a) Toilet training by the family foster home provider shall be with the limits of the licensing rule.
  - (b) No child shall be punished for accidents occurring during toilet training (see also section 502).
  - (c) The agency shall offer consultation and training to providers about toilet training.
- (7) Each child shall nap or rest as appropriate to his age and stage of development.

**Reason:** Children's needs for naps differ even at similar ages.

- (8) Digital screen time for children should be limited to two hours or less per day. This includes TV, smart phones, tablets, and other electronic devices. There should be no televisions, computers, or videos in children's bedrooms.

**Reason:** it is important for children to spend time on outdoor play, reading, hobbies, and using their imaginations in free play.

- (C) Adolescents. Adolescents shall be provided with the types of opportunities identified in this subsection:

**Reason:** The view of adolescence on which the following is based is that of adolescence being a segment of continuing human development. Adolescents are persons with specific qualities and characteristics who have a participatory and responsible role to play, tasks to perform, skills to develop at that particular time of life. The degree or extent to which an adolescent experiences such responsible participation will determine and maximize human development.

- (1) To participate as citizens as members of a household, as workers, as responsible members of society.

**Reason:** Adolescents are growing, developing persons in a particular age group - not pre-adults, pre-parents, or pre-workers, but human beings participating in the activities of the world around them.

**Satisfactory Compliance:** The agency and the foster child shall discuss house rules with the foster parent(s). The foster child(ren) are expected to live by these house rules.

- (2) To gain experience in decision-making.

**Reason:** In our complex society, youth must develop the capacity to make decisions in many areas: school interests, work interests, use of discretionary time, the kind of friends they want to cultivate, etc.

**Satisfactory Compliance:** Each child shall be provided practical learning opportunities.

- (3) To interact with peers and acquire a sense of belonging.

**Reason:** Adolescents are moving toward wider interdependence with their peers, need to have a sense of belonging to their own age groups, as well as to adults. They need to acquire the ability to handle their sexuality, to develop and maintain friendship, to experience closeness.

- (4) To reflect on self in relation to others and to discover self by looking outward, as well as inward.

**Reason:** Adolescents encounter conflicting values in a rapidly changing world and should have the opportunity to thrash out their reactions, consider the pluses and minuses, and try to determine where they themselves stand.

**Satisfactory Compliance:** Each child shall be encouraged to participate in open discussion, with adults exposing, but not imposing, their value systems on the child.

- (5) To discuss conflicting values and formulate their own value system.

**Reason:** There is almost no increase in the level of moral maturity beyond that reached during adolescence.

**Satisfactory Compliance:** Each child shall be provided opportunity for significant experiences and careful examination and reflection of those experiences for their moral development.

- (6) To experiment with their own identity, with relationships to other people, with ideas; to try out various roles without having to commit themselves irrevocably.

**Reason:** Adolescents should be able to try out various roles without being obligated to pursue a given course.

**Satisfactory Compliance:** Each child shall be allowed opportunities to experiment, within the constraints of law, with his own identity in a non-judgmental atmosphere.

- (7) To develop a feeling of accountability in the context of a relationship among equals.

**Reason:** Genuine participation and genuine responsibility go hand in hand. A basic tenet of our social system is that for every right there is a corresponding responsibility, resulting in the commitment necessary in a mature society.

**Satisfactory Compliance:** Each child shall be provided opportunities for participation and accountability in a family relationship.

- (8) To cultivate a capacity to enjoy life.

**Reason:** Maturity includes enjoyment, being creative, frivolous, doing things on one's own, learning to interact with all kinds of people.

**Satisfactory Compliance:** Each child should have a family which is accepting of other person's life styles and values, having flexibility and a sense of humor, and a sense of the joy of living.

- (D) Religious and cultural activities. Regardless of a child's age, special activities related to a child's religious or cultural heritage shall be available to him.
- (E) Activities related to natural family. Regardless of the child's age, the child should be able to participate in special activities related to the child's natural family, as provided for under the agency's plan.

## **CHAPTER 9: RECORDKEEPING REQUIREMENTS**

### **Section 901: Agency Recordkeeping**

The agency shall establish and maintain an individual record for the foster family home, which shall include the following:

- (A) A copy of the application for licensure signed by the applicant.
- (B) A Foster Parent Agreement Form signed by both the applicant and the agency.
- (C) A physician's statement concerning the physical health of persons in the family foster home.
- (D) A current completed Fire Safety Check List plus a written report from the fire marshal on any special fire hazards (if required by agency).
- (E) The pre-licensing home study.
- (F) References from persons who can evaluate the applicant(s) as potential foster care providers. If the applicant(s) have been licensed through another agency with the previous five years, the agency shall request a reference from that agency.
- (G) An annual evaluation of the family foster home, done jointly by provider and agency, covering services provided by both family foster home and agency. It shall be based on

a complete review of this rule on the years placement experiences. Any disagreement about the evaluation between the family foster home and the agency shall also be entered into the record.

(H) Documentation for any waiver of licensing regulations.

(I) Record of training received by the foster parents. (agency requirement)

**Reason:** The foster home record serves as the basis of evaluation both of foster home quality and of agency practice. Recommendations to the Reservation Business Committee about the foster home must be substantiated through the agency's records.

### **Section 902 Individual Records for Children**

The license holder must keep records for each foster child in care. The records must include the child's medical records, which includes records of illnesses and medical care provided to the child; grievance records, including documentation of the grievance resolution; and other documentation as required by the child's case plan. Individual case records for children placed in foster care shall be kept separately from the licensing record. (agency requirement)

### **Section 903 Confidentiality of Data**

Family foster home data classified as private shall be maintained as private. Family foster home providers shall have access to private data concerning themselves. Private data about the child or his family shall be kept private. (agency requirement)

## **CHAPTER 10: ADDITIONAL REQUIREMENTS FOR TREATMENT FOSTER CARE HOMES**

### **Section 1001 Treatment Foster Care Qualifications**

In order to qualify for licensure as a special services provider, the family foster home provider must have demonstrated to the agency the following level of knowledge and skills necessary and pertinent to specific special need or disability for which the provider is to be licensed:

(A) Three years' experience as a licensed family foster home plus twelve hours of training related to children with special needs; or

- (B) One year experience in working with children with special needs, which may include their own children, plus six hours of training related to children with special needs; or
- (C) Twenty-five hours of training related to children with special needs.

**Reason:** Children with special needs require a special understanding. Family foster home providers who undertake to care for these children must possess more than ordinary abilities. Such children require extraordinary care.

Opportunities for achieving the special knowledge and skills can include observation of children with special needs, meeting with other foster parents who have cared for children with special needs, discussions with specialists and community resource people, and attending conferences.

#### **Section 1002 Special Services Individualized Program Plan**

Within thirty days after placement of a child with special needs in a family foster home, a written individualized program plan must be developed by the family foster home provider and the agency. This plan shall be evaluated and updated regularly, but no less often than every six months:

- (A) At least the family foster home provider and agency must participate in program planning. The school district shall be invited to participate, and given reasonable notice.
- (B) Other agencies and community resources shall be included in the development of the program plan as indicated by the particular needs of the individual child.
- (C) The individual program plan must be available for use by the family foster home provider, the agency, and the school district.
- (D) There shall be a regular evaluation of the child's progress at intervals mutually agreed upon by provider agency. Progress shall be recorded by the agency.
- (E) The individualized program shall contain specific, objective, time-limited goals. These goals shall be dated, and shall be updated as needed at the times of evaluation. Goals shall relate to the care and welfare of the foster child.

**Section 1003 Respite Services**

A plan for regular time-off for providers shall be developed by the agency and the family foster home provider. All respite care providers must have a background check completed prior to providing care. (agency requirement)

**CHAPTER 11: ADDITIONAL REQUIREMENTS FOR GROUP FOSTER HOMES**

**Section 1101 Special Application Procedures**

In addition to the application requirements set forth under Chapter 3 of this Ordinance, each application for special licensure as a group family foster home under this Ordinance shall include the following:

- (A) Program description. The provider shall develop, in conjunction with the agency, a program description of the home including but not limited to the following:
  - (1) The ages of children to be served;
  - (2) The common characteristics and services needs of the children to be served; and
  - (3) The scope of services to be provided by the group family foster home.
- (B) Application. The application for licensure shall be signed by both the agency and the applicant.

**Reason:** Group family foster homes are appropriate in circumstances where there is a unique or particular need for flexibility in the type of care provided by the foster home. Just as there are families with many children of their own, there is a need to develop innovative ways of caring for children away from their own families -- such as emergency shelters and teen-age peer groups. It is both necessary and desirable to provide flexibility and room for innovation in the field of foster care, while still ensuring the basic needs of children.

**Section 1102 Group Family Foster Home Agreement**

Each group family foster home which is licensed under this Ordinance shall operate in accordance with a written and signed agreement with the agency which shall include, at minimum:

- (A) Admission and discharge policy for the children;
- (B) Individualized program plans for the children and designated responsibility for developing and implementing these plans;
- (C) The time limits of the agreement;
- (D) The responsibilities of the agency and the family foster home;
- (E) The rate to be paid the home for its services, including any special payments for clothing, medical expenses, and special services;
- (F) The responsibility for arranging for all necessary services and resources in the community;
- (G) The arrangements for substitute providers for emergency situations, and vacations, illness, and for regular time-off; and
- (H) The arrangements for providing administrative, consultative, and social services for the family foster home.

**Section 1103 Adult-to-Children Ratio**

Each group family foster home which is licensed under this Ordinance shall have a minimum of one adult in residence for every five children in the group family foster home.

**Section 1104 Maximum Number of Children**

Each group family foster home which is licensed under this Ordinance shall care for no more than ten children, including the provider's own children. A group family foster home may not care for more than two unrelated children who are non-ambulatory, non-mobile, severely mentally retarded, or profoundly mentally retarded at any one time.

**Section 1105 Physical Facility Requirements**

Each group family foster home which is licensed under this Ordinance shall meet the following minimum physical requirements:

- (A) There shall be thirty-five square feet of living space per child, excluding bathrooms, halls, bedrooms, kitchen, and laundry or furnace room.
- (B) The dining area must be able to comfortably accommodate, at one time, all the children plus the family.
- (C) Every sleeping room accommodating one foster child shall have at least eighty square feet of floor space.
- (D) Every sleeping room accommodating more than one foster child shall have at least sixty square feet of floor space per child.
- (E) No sleeping room shall accommodate more than four children.
- (F) Each child shall have adequate space for his clothing and personal possessions.

**CHAPTER 12: AMENDMENTS**

**Section 1201 Amendments**

This Ordinance shall only be amended pursuant to resolution of the Reservation Business Committee.

**CERTIFICATION**

We do hereby certify that the foregoing Ordinance #8/79 was duly presented and amended by Resolution #1077/96 by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 7, 1996 on the Fond du Lac Reservation; and subsequently amended by Resolution #1129/16 on April 20, 2016.

  
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 Wally Dupuis, Chairman (*Eshpabid*)

  
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 Ferdinand Martineau, Jr., Sec./Treas. (*Wezhibii'iged*)

APPENDIX A (i)

DAILY FOOD GUIDE

SERVING  
FOOD PER DAY

AVERAGE SIZE SERVING BY AGE\*

		1-3 yrs.	3-6 yrs.	6-9 yrs.	9-12 yrs.	12-18 yrs.
<b><u>MILK GROUP</u></b>						
Milk		2-3 ser	1/2-1 cup	1/2-1 cup	1 cup	1 cup
Cheese & ice cream occasionally.						1 cup
<b><u>MEAT GROUP</u></b>						
Meat, poultry, fish, and as alternatives, dried beans or peas or peanut butter		1-2 ser	1-3 oz.	2-4 oz.	4-5 oz.	4-6 oz.
Egg	3-4 week			1	1	1
<b><u>VEGETABLE &amp; FRUIT GROUP</u></b>						
Dark green vegetables and deep yellow vegetables & fruits for Vitamin A	1 serv	2-3 Tbsp.	2-4 Tbsp.	1/4 cup	1/2 cup	1/2 cup
Fruit for Vitamin C - citrus, tomato, cabbage	1 serv	1/3-2/3 c	1/3-2/3 c	1/2 cup	1/2 cup	1/2 cup
Other fruits & vegetables	2 serv	1/4-1/3 c	1/4-1/2 c	1/2 cup	1/2 cup	1/2 cup
<b><u>BREAD &amp; CEREAL GROUP</u></b>						
Bread and cereal	4 ser	1/2-1 slice	1/2-1 1/2	2-3 slices	2-3 slices	2-3 slices
whole grain or enriched		1/4 cup cereal	1/2 cup cereal	1/2 cup cereal	3/4 cup cereal	1 cup cereal

(ii)  
FOSTER CARE - APPENDIX B

TYPE OF HOME	EXPERIENCE	ANNUAL TRAINING	"OWN CHILDREN" FOSTER CHILDREN	NUMBER OF FOSTER CHILDREN	TOTAL NUMBER OF CHILDREN
1. Interim & Permanent (3 foster - 5 total)	Licensed less than 2 yrs.	1st year - 6-8 of orientation training. 24 hrs per yr.	* 0-2	3 absolute	5
			* 3	2 limit in	5
			* 4	1 this	5
			* 5	2 category	7
			* 6	1	7
			* 0	5	5
2. Interim & Permanent (5 children total)	Licensed less than 2 yrs.	24 hours/yr	* 1	4	5
			* 2	3	5
			* 3	2	5
			* 4	1	5
			* 5	2	7
			* 6	1	7
3. Emergency Shelter (7 children total)	Licensed less than 2 yrs.	24 hours/yr 6 hours (special needs)	* 0	4	4
			* 1	4	5
			* 2	3	5
			* 3	2	5
			* 4	1	5
			* 5	2	7
4. Special Services (Handicapped or Extraordinary Care) (4 foster - 5 total)	(see page 21) a) licensed 3-yrs-12 hrs. related training OR b) Experience - 1yr with handicapped = 6 hrs. related training OR c) 25 hrs. related training	24 hours 6 hours (special needs)	* 0	4	4
			* 1	4	5
			* 2	3	5
			* 3	2	5
			* 4	1	5
			* 5	2	7
5. Group Family (10 children total)		24 hours 6 hours (special needs)	* 0	4	4
			* 1	4	5
			* (No more than 2 children with severe handicaps at one time - page 28)		

EXCEPTIONS: a) Siblings need placement together. Maximum number: Seven children total.  
 b) Home has five or six children of its own under age 18. Maximum Number: Seven children total.  
 c) Child needs to be paced again in the same home. Maximum Number: Seven children total.

OTHER

Butter or

margarine as spread or seasoning

2 Tbsp. 2-4 Tbsp.

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\*Size of serving will differ with individual children; some may want smaller amounts and some larger.

Source: USDA, consumer & Food Economics Research Division - 1963 Minnesota Department of Health