

1 Department of Corrections

2

3 Adopted Rules Governing Group Foster Homes

4

5 Rules as Adopted

6 2925.0100 DEFINITIONS.

7 Subpart 1. to 7. [Unchanged.]

8 Subp. 8. Group foster parents. "Group foster parents"
9 means the person(s) who carry(ies) out the continuing daily
10 living program in a group foster home and provide(s) care to the
11 youths. The group foster parents may be a married couple or a
12 single adult who is 21 years of age or older or employed staff.

13 Subp. 9. to 12. [Unchanged.]

14 Subp. 13. [See Repealer.]

15 Subp. 14. [Unchanged.]

16 Subp. 15. [See Repealer.]

17 Subp. 16. to 22. [Unchanged.]

18 Subp. 22a. Treatment Institutional group
19 homes. "Treatment Institutional group homes" means group homes
20 designed to care for more than eight children. These group
21 homes have staff in addition to or rather than group home
22 parents.

23 Subp. 23. Variance. "Variance" means a written permission
24 from the commissioner to disregard a particular part of a
25 licensing rule.

26 Subp. 24. [Unchanged.]

27 2925.0200 INTRODUCTION.

28 Minnesota Statutes, section 241.021, provides that the
29 commissioner of corrections adopt rules establishing minimum
30 standards for all correctional facilities throughout the state
31 whether public or private, established and operated for the
32 detention and confinement of persons detained or confined
33 therein according to the law except to the extent that they are
34 inspected or licensed by other state regulating agencies. The
35 rules which follow are minimum standards for all correctional

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1 group foster homes including treatment institutional group homes.

2 Subp. 2. [See Repealer.]

3 Subp. 3. [See Repealer.]

4 Subp. 4. [See Repealer.]

5 2925.0500 ORIGINAL APPLICATION FOR LICENSE.

6 Subpart 1. General. New applicants shall file
7 applications with the commissioner of corrections 30 days before
8 the date the facility expects to operate.

9 Subp. 2. Materials filed with application. The materials
10 to be filed with group foster home license application are:

11 A. a completed application for license on the form
12 issued by the commissioner;

13 B. three letters of reference for the group foster
14 parent(s) and for any employee involved in child care; the
15 references may not be from department employees nor relatives of
16 the persons referred;

17 C. evidence that sometime during the 12 months prior
18 to initial licensure, each person living in or working in the
19 home has had a mantoux test or chest X ray;

20 D. a floor plan of the group foster home with
21 designated room dimensions;

22 E. a list of other facilities which the operator has
23 operated or is currently operating (either in or out-of-state);
24 and

25 F. written documentation that all fire, safety,
26 health rules, and zoning ordinances are met.

27 Subp. 3. Preliminary home study. As part of the
28 application, the group foster parents shall assist the
29 sponsoring agency in making a preliminary home study. This
30 study must include an inspection of the facility and an
31 investigation into the family's background and references.

32 2925.0600 RENEWAL LICENSE.

33 Subpart 1. General. Application for relicensing must be
34 submitted to the commissioner 30 days prior to the expiration
35 date of the facilities current license. Any materials submitted

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1 in a previous license application which are not replaced by new
2 submissions are presumed to be current.

3 Subp. 2. Materials filed with application. The materials
4 to be filed with group foster home license renewal application
5 are:

6 A. a record of major changes in the program or
7 facility during the year or contemplated for the coming year;

8 B. building plans for any contemplated construction
9 giving room dimensions and specifications and use; and

10 C. written documentation that the fire, safety, and
11 health rules are met. Fire inspections are required at the time
12 of initial licensing and every three years after that. The
13 commissioner ~~has the right to~~ may require a new fire inspection
14 at anytime it is determined appropriate that there may be unsafe
15 practices in the facility which may threaten the life safety of
16 residents.

17 2925.0800 CONDITIONS OF LICENSE.

18 Subpart 1. General. A license applies only to the
19 organization or person(s) to whom it is issued and to the
20 buildings approved. The license expires automatically if there
21 is a change in location, organization, or a structural
22 modification or addition to the physical facility, which would
23 affect either the terms of the license or the continuing
24 eligibility for a license. In such cases, a new license must be
25 filed. An application for a new license must include:

26 A. an outline of any proposed changes in the group
27 foster home's program (ex: philosophy, purpose, and function of
28 the program); and

29 B. a new floor plan of the group foster home with
30 designated room dimensions.

31 Subp. 2. [See Repealer.]

32 Subp. 3. Restrictions on capacity. Every license must be
33 restricted to a specified maximum capacity. No regular group
34 foster home may be licensed with a maximum capacity so high as
35 to allow more than ten youths, including both foster youths and
36 the youths in the group foster parents' natural family, to live

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1 in the group foster home.

2 Subp. 4. [Unchanged.]

3 Subp. 5. No occupancy before licensing. No persons may be
4 placed in a group foster home prior to its being licensed.

5 Subp. 6. License issued for specific number of residents.
6 Group foster home licenses will be issued by the Department of
7 Corrections for a specific number of foster children, not
8 exceeding eight.

9 Subp. 7. Issuance of licenses. A license shall be issued
10 when the applicant is in substantial compliance with the rules.

11 2925.1000 VARIANCE OF SPECIFIC RULE.

12 The granting of a variance under this part does not
13 constitute a precedent for any other group foster home. The
14 commissioner shall grant a variance of a specific rule, if in
15 the licensing procedure of enforcement of the standards, the
16 commissioner finds that:

17 A. and B. [Unchanged.]

18 C. the group foster home complies with such specific
19 condition(s) as the commissioner shall deem necessary for the
20 protection of the health, safety, and welfare of the foster
21 children.

22 2925.1200 NOTICE TO APPLICANT OF COMMISSIONER'S ACTION.

23 After the application for license is approved by the
24 commissioner, the applicant will receive by mail a license
25 which, as provided by Minnesota Statutes, section 241.021, must
26 set forth the conditions under which the group foster home may
27 operate. The terms of the license must include the operating
28 name of the group foster home, the maximum number and sex of the
29 foster children to be served, and the period of time for which
30 the license is effective, and must include other conditions
31 which the commissioner may prescribe.

32 2925.1400 RESTRICTION OF USE OF GROUP FOSTER HOME.

33 The commissioner shall by written order restrict the use of
34 any group foster home which does not substantially conform to
35 the minimum standards, or, where specific conditions exist which

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1 endanger the health, welfare, or safety of foster children or
2 staff, prohibit the detention of persons therein for more than
3 72 hours.

4 2925.1800 GROUP FOSTER PARENT QUALIFICATIONS.

5 Subpart 1. [See Repealer.]

6 Subp. 2. License not allowed. A group foster home license
7 may not be issued or renewed where any person, except foster
8 youth, living in the household has any of the following
9 characteristics:

10 A. A conviction for, or admission of, or substantial
11 evidence of an act of child battering, child abuse, child
12 molesting, child neglect, or incest within the previous five
13 years.

14 B. [Unchanged.]

15 C. Residence of the family's own children in foster
16 care, correctional facility, or residential treatment for
17 emotional disturbance within the previous 12 months.

18 D. and E. [Unchanged.]

19 Subp. 3. [Unchanged.]

20 Subp. 4. Physical handicap. Physical handicap of group
21 foster parents may be a consideration only as it affects their
22 ability to provide adequate care to foster youths.

23 Subp. 5. [Unchanged.]

24 2925.1900 HEALTH OF PERSONS LIVING IN GROUP FOSTER HOMES.

25 Subpart 1. Mantoux test or chest X ray. A requirement for
26 licensing is evidence that sometime during the 12 months prior
27 to initial licensure, each person living in the home has had a
28 mantoux test or chest X ray.

29 Subp. 2. Other health problems. When in the judgment of
30 the licensing authority, any person in the home exhibits a
31 health problem, an evaluation may be requested of the person as
32 a requirement for licensing.

33 2925.2000 TRAINING FOR GROUP FOSTER PARENTS.

34 Subpart 1. General. Group foster parents shall
35 participate in a minimum of 18 hours annually of training

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1 related to foster care. The 18 hours may be shared between the
2 group foster parents in the home. When the group foster parents
3 have not completed the required annual training at the time of
4 relicensure, no further placements may be made in that group
5 foster home until the group foster parents have complied with
6 the training requirements.

7 Subp. 2. First aid training. First aid training is
8 mandatory for all group foster parents. Certificates or
9 statements of training must document that first aid training is
10 updated every three years.

11 Subp. 3. [See Repealer.]

12 2925.2100 VACATIONS FOR GROUP FOSTER PARENTS.

13 Subpart 1. [See Repealer.]

14 Subp. 2. Vacations. The group foster parents shall make
15 suitable arrangements for the care of foster youths for any
16 periods of vacation or emergency. The supervising agent or
17 coordinator shall approve the arrangements. Substitute group
18 foster parents must have the same qualifications as the regular
19 group foster parents (see group foster parent qualifications,
20 part 2925.1800), and must have access to group foster parents'
21 training opportunities (see training for group foster parents,
22 parts 2925.2000 and 2925.2100).

23 2925.2200 PROGRAM FOR GROUP FOSTER PARENTS.

24 Subpart 1. Orientation. At the time of intake, group
25 foster parents shall discuss program goals, service(s)
26 available, rules governing conduct, program rules, and possible
27 disciplinary actions with the foster child. This must be
28 documented.

29 Subp. 2. Service plan. A service plan must be developed
30 and must be implemented based on the special needs of each child.

31 Subp. 3. Progress review. The group foster parents shall
32 continuously review each child's progress in relation to the
33 service plan, and a record of the review shall be maintained.

34 Subp. 4. Other considerations. The group foster home's
35 plan must make provisions for the following:

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- 1 A. contact with child's family and significant others;
- 2 B. visitation policies; and
- 3 C. involvement in the community.

4 2925.2300 HOUSE RULES.

5 Subpart 1. [See Repealer.]

6 Subp. 2. Written grievance procedure. The group foster
7 parents shall supply to each foster child the rules of the home,
8 the foster child's rights, and the grievance procedure.

9 2925.2400 EMERGENCY PLANS.

10 Written emergency fire, medical, and accident plans must be
11 posted in the home.

12 2925.2500 DISCIPLINE.

13 Subpart 1. [See Repealer.]

14 Subp. 2. Types of discipline prohibited. Foster youths
15 may not be subjected to denial of food, medication, mail, or
16 sleep as punishment.

17 Subp. 3. Physical force. Physical force may be used only
18 for self-protection, prevention of property damage, protection
19 of others, and only to the degree necessary and in accordance
20 with appropriate statutory authority; such action must be
21 documented and placed on file in the group foster home.

22 Violation of statutory authority with respect to physical abuse
23 is grounds for loss of the group foster home's license.

24 Subp. 4. Room restriction, facility restriction, and
25 privilege suspension. Room restriction may not exceed eight
26 hours. The foster youth must be observed by a group foster
27 parent or staff person at least hourly.

28 Prior to room restriction, facility restriction, or
29 privilege suspension the foster youth must have the reasons for
30 the restriction or suspension explained and have an opportunity
31 to explain the behavior leading to the restriction or suspension.

32 All instances of room restriction, privilege suspension,
33 and facility restriction must be logged, dated, and signed by
34 the group foster parent(s) implementing the disciplinary
35 procedure; the log must be reviewed by the supervising agent or

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1 coordinator.

2 2925.2600 SECURITY PROCEDURES.

3 Subpart 1. Accountability for whereabouts and conduct of
4 foster youths. Group foster parents are accountable for the
5 whereabouts and conduct of foster youths who have been referred
6 by a court or the Department of Corrections. The group foster
7 parents shall notify appropriate probation officers, parole
8 officers, or relevant officials as soon as it has been
9 determined that a foster youth is missing.

10 Subp. 2. Weapons. Weapons in the group foster home must
11 be securely stored and are the responsibility of the group
12 foster parents.

13 2925.2700 PERSONAL COMMUNICATION.

14 Subpart 1. General. To encourage foster youths to
15 maintain or develop close relationships with members of their
16 family, friends, and relatives, communication channels must be
17 as open as possible.

18 Subp. 2. Mail policy. Foster children's mail may not be
19 intercepted or read.

20 Subp. 3. Use of telephone. Written policy must provide
21 that foster children have access to a telephone and shall
22 contain any rules which regulate this activity.

23 2925.2800 PERSONAL POSSESSIONS.

24 Each foster child must be allowed to bring appropriate
25 personal possessions to the group foster home and must be
26 allowed to acquire possessions to the extent the group foster
27 home is able to accommodate secure storage of them.

28 2925.2900 PUBLIC REPORTS, STATEMENTS, OR APPEARANCES.

29 Foster children may not be required to make public
30 statements acknowledging their gratitude to the program and may
31 not be required to perform or appear at public gatherings.

32 The group foster parents, supervising agent, or coordinator
33 may not use reports or pictures from which a foster child can be
34 identified without written consent from the foster child and

1 parents or legal guardians. The signed consent forms must be on
2 file before any reports or pictures from which foster children
3 can be identified are used. The foster child must be informed
4 that consent can be withdrawn at any time.

5 2925.3100 BEDROOMS.

6 Subpart 1. Single bedrooms. Single bedrooms must provide
7 70 square feet of useable floor space with a side dimension of
8 not less than seven feet for ambulatory foster children. For
9 nonambulatory foster children the requirements are 100 square
10 feet of useable floor area with a side dimension of not less
11 than nine feet.

12 Subp. 2. Multi-bed bedrooms. Multi-bed bedrooms must
13 provide 60 square feet per person of useable floor space with
14 three feet between beds placed side by side, and one foot
15 between beds placed end to end for ambulatory foster children.
16 For nonambulatory/nonmobile foster children, the multi-bed
17 bedrooms must provide 80 square feet of useable floor area.
18 Multi-bed bedrooms for active, nonambulatory, mobile foster
19 children must be 100 square feet per foster child. Mobility
20 space at the end and one side of each bed must be four feet per
21 foster child.

22 Subp. 3. Nonambulatory mobile foster children. Bedrooms
23 for nonambulatory mobile foster children must have adequate
24 accessible space for storage of wheelchairs and other prosthetic
25 or adaptive equipment for daily out of bed activity or
26 acceptable similar storage spaces must be provided outside the
27 bedroom readily and handily accessible to the foster child.

28 Subp. 4. Capacity. In new or remodeled buildings,
29 bedrooms must accommodate no more than four foster children.

30 Subp. 5. Furnishings. Each foster child must be provided,
31 at a minimum, with bed; mattress; supply of bed linen and
32 towels; chair; adequate lighting; and closet/locker space.

33 Subp. 6. Separate bedrooms. Male and female foster
34 children may not occupy the same bedrooms. Youth and adults may
35 not share bedrooms.

1 2925.3300 BATHROOM FACILITIES.

2 Every facility must be equipped with adequate and
3 conveniently located toilet rooms for its foster children.
4 Washbasins and toilets must be provided in the ratio of one
5 toilet and one washbasin for every eight foster children. One
6 bath or shower must be available for every eight foster children.

7 2925.3500 DINING ROOM.

8 The dining area must comfortably accommodate, at one time,
9 all of the foster children plus the natural family living in the
10 group foster home.

11 2925.3600 ENVIRONMENT; GENERAL.

12 Subpart 1. Day care. A group foster home may not
13 concurrently hold a license for family day care or group day
14 care without prior approval by the commissioner.

15 Subp. 2. Approval to live in group foster home. All
16 persons living in the group foster home must first be approved
17 by the coordinator or the sponsoring agency.

18 Subp. 3. [Unchanged.]

19 Subp. 4. Evaluation and investigation. The commissioner
20 and any supervising agent must have access to the group foster
21 home for evaluation at any time during normal working hours and
22 at other times by mutual agreement. For the purpose of
23 investigating complaints concerning the health and safety of the
24 youths, the commissioner and any supervising agent must have
25 access to the group foster home at any time.

26 2925.3700 HEALTH CARE AND MEDICAL SERVICES.

27 Subpart 1. Arranging care. Group foster parents are
28 responsible for assisting in arranging for medical and dental
29 care for each foster child.

30 Subp. 2. Communicable disease. If a foster child is
31 suspected of having a communicable disease, the group foster
32 parents shall see that the foster child is given a physical
33 examination by a qualified physician and any necessary treatment.

34 Subp. 3. to 5. [Unchanged.]

1 2925.3800 NUTRITION AND FOOD.

2 Subpart 1. Food service. When the group foster home
3 provides or contracts for food service, the service shall comply
4 with and meet all sanitation and health codes.

5 Subp. 2. Nutrition requirements. The food and nutritional
6 needs of foster children must be met. Providing each foster
7 child the specific serving per day from each of the following
8 four food groups will satisfy this requirement.

9 A. to D. [Unchanged.]

10 Subp. 3. Number of meals. A minimum of three meals a day
11 must be available for foster children. The group foster parents
12 shall ensure that the youths receive adequate meals during the
13 day while they are in community activities. This must include
14 participation in a school lunch program.

15 2925.3900 FOSTER YOUTHS' RECORDS MAINTAINED BY SUPERVISING
16 AGENT, COORDINATOR, OR SPONSORING AGENCY.

17 Subpart 1. Medical records. A record must be kept of
18 ongoing medical information, when available, including:

19 A. to G. [Unchanged.]

20 Subp. 2. Progress records. The record must include a
21 summary of the foster child's progress. These reports must be
22 recorded regularly and must include the following:

23 A. [Unchanged.]

24 B. plans which involve the foster child; and

25 C. [Unchanged.]

26 Subp. 3. [Unchanged.]

27 Subp. 4. Requests for data. Group foster parents shall
28 refer any individuals or agencies requesting foster child data
29 to the supervising agent of the youth.

30 2925.4100 INSTITUTIONAL GROUP HOMES.

31 Institutional group homes must meet the following criteria:

32 A. The staff-to-youth ratio must be a minimum of one
33 to ten on duty during times when youth are not involved in
34 normal activities away from the home or during normal sleeping
35 hours.

1 B. Unless waived by the local fire authority, a staff
2 person must be awake and alert during normal sleeping hours.

3 C. The facility shall develop and make available to
4 all youth, house rules and the consequences for these rules.

5 D. Policies must outline the following:

6 (1) work assignments for the youth;

7 (2) a statement that work assignments be
8 appropriate to the youth based on age, and physical and
9 emotional ability;

10 (3) safety rules for work assignments which pose
11 some hazards; and

12 (4) a statement that the youth may not be
13 required to perform personal duties for staff.

14 E. Persons employed in the home must be selected
15 based on their ability to perform the assigned tasks.

16 F. Volunteer programs in the facility must have
17 policies governed by the following:

18 (1) there must be formally established criteria
19 for selecting volunteers;

20 (2) the volunteer must clearly understand the
21 specific assignment;

22 (3) the responsibilities of the volunteer must be
23 clearly differentiated from that of staff;

24 (4) if a volunteer is used in the same capacity
25 as a paid staff, the volunteer must meet the same criteria;

26 (5) the volunteer program must be assigned to a
27 specific staff person; and

28 (6) volunteers providing direct services to the
29 youth must be a minimum of 18 years of age.

30 G. Policy must regulate the distribution and storage
31 of prescription drugs.

32

33 REPEALER. Minnesota Rules, parts 2925.0100, subparts 13 and 15;
34 2925.0200, subparts 2, 3, and 4; 2925.0300; 2925.0400;
35 2925.0700; 2925.0800, subpart 2; 2925.0900; 2925.1100; 2925.1300;
36 2925.1700; 2925.1800, subpart 1; 2925.1900, subpart 3;

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[REVISOR] RPK/RL AR0561

1 2925.2100, subpart 1; 2925.2300, subpart 1; 2925.2550, subpart
2 1; 2925.3000; 2925.3200; and 2925.3400 are repealed.