

Child and Family Services Licensing Policy Manual: Youth Foster Care Foster Home Incidents

Introduction

Foster parents must be able to show evidence of their ability to work with children without recourse to physical punishment or psychological abuse and must be positive in their approach to discipline.

The Family Resource Specialist (FRS) makes the initial determination of the family's capacity to meet the above noted requirement through his or her assessment of the family's participation in pre-service training and through interviews conducted with the family in the course of the home consultation.

Opportunities for ongoing assessment and support for the foster family may include the provision of training opportunities including pre-service training, family participation in local support groups or membership in the Montana State Foster Adoptive Parent Association (MSFAPA), Child Protection Specialist contacts conducted as established by Supervision of Out of home Placements (**Policy Section 402-5**) and the annual licensing assessment.

<https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/402-5.pdf>

Definitions

Discipline: Actions taken by an adult intended to influence the behavior of a child. These actions are intended to teach appropriate behavior through the use of positive reinforcement, time out, redirection, ignoring, or natural consequences. Methods of behavior management and discipline for children will be based on each child's needs, stage of development, and behavior. Discipline will promote self-control, self-esteem, and independence.

Physical Punishment: Physical punishment administered to a child's body, such as, but not limited to, spanking, kicking, slapping, pinching, punching, shaking and hitting.

Punishment: Aversive actions by an adult toward a child with the intent of stopping a behavior which the child is exhibiting or has exhibited and preventing it from reoccurring.

Discipline Violation: any violation of the actions described in **ARM 37.51.826** which includes spanking and other forms of physical punishment; disciplinary techniques which include humiliating, shaming or cruel, capricious, frightening or otherwise damaging actions to a child; any form of abuse,

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including verbal abuse or derogatory remarks about the child or a member of the child's family; threats to expel the child from the foster home; deprivation of meals, mail, or family visits as a method of discipline; punishing for bedwetting or any other toilet training issue; placement in a locked room; use of participation or nonparticipation by the child in religious activities as a form of discipline; or use of medication or withholding of prescribed medication.

Serious Incident: is defined in **ARM 37.51.102** as including, but not limited to suicide attempts, use of physical force by a foster parent or any member of the foster parent's household, sexual contact with the child by anyone, emergency medical treatment, injury to a foster child which requires hospitalization, physical assault by the foster child, involvement with law enforcement by any member of the foster parent's household, including a foster child, or the death of a foster child

Foster Home Report of Incident

As cited in **ARM 37.51.826 Discipline**, in the event that a foster parent is involved in physical punishment of a foster child, the foster family shall report the incident to the FRS and to the placing agency (if applicable). The foster family shall complete the **CFS-LIC-067 Incident Report** form.

Discipline violation

The FRS should advise the foster family applicant at the time of licensure and relicensure that incidents should be **reported** by phone to the local Child and Family Services office within 24 hours of the incident. The CFS staff that receives the report is responsible for assuring that both the Family Resource Specialist responsible for foster home licensing and the placing worker are notified of any such reports. These reports shall be entered into CAPS on the RRD1 screen.

Serious Incident

If the report received involves CPS issues or a "serious incident", it must be called into Centralized Intake CI. The worker calling in the report shall provide the CI worker with the information, including the CAPS provider ID number and any CAPS ID numbers of persons involved. The CI worker will then enter the report as a CPS category.

If the report received involves a licensing violation, it shall be entered on the RRRL screens as a LIC category. The worker entering the report will need to include the CAPS Provider Number and CAPS ID of persons involved.

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Following these procedures Centralized Intake will alert the FRS responsible for licensing the home and any Child Protection Specialists who have youth in the home.

CFS-LIC-067 Investigation of Incident in Foster Home

The **CFS-LIC-067, Foster Home Incident Report**, should be completed and returned to the local CFSD office by the foster parent(s). If reasonable (per age and mental capacity), the child(ren) involved in the incident may be requested to complete an incident report separate from the foster parent(s). A hard copy of the incident report(s) must be retained in the foster family's licensing file.

Upon receipt of the foster parent's report, the FRS and the Child Protection Specialist shall notify his/her respective supervisors of the incident. The Regional Administrator or designee shall make a determination regarding the appropriate response. Refer to **Policy Section 202-5** for report and investigation protocol for reports of abuse in out of home care and **Policy Section 802-11** for Licensed Provider Complaints, Referrals and Investigations
<https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/202-5.pdf>
<https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/802-11.pdf>

CAPS Entry

Any license investigation summary reports and recommended license status changes that are a result of this incident shall be documented in CAPS on RRRL screens and scanned into DOGEN under the Provider Number.

Determination of Licensing Action

Upon making a determination regarding licensing action, a follow-up letter shall be sent to the foster family advising them as to the status of the investigation and the status of their license. If a licensing violation is determined, FRS shall follow protocol established in Policy Section **802-11 Licensed Provider Complaints, Referrals and Investigation**. If it is recommended that a negative licensing action be taken, the FRS should follow the protocol established in **Policy Section 802-10 Adverse Licensing Action**.

<https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/802-10.pdf>
<https://dphhs.mt.gov/portals/85/cfsd/documents/cfsdmanual/802-11.pdf>

Reference

Admin. R. Mont. 37.51.826
Admin. R. Mont. 37.51.609
Admin. R. Mont. 37.51.216
Admin. R. Mont. 37.51.217

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Rev. 10/03
Rev. 10/07
Rev. 06/13