

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 890

CERTIFICATION OF FOSTER FAMILY  
BOARDING HOMES FOR CHILDREN

§17-890-1 Definitions

Subchapter 1 Certification Requirements

- §17-890-2 Need for certification
- §17-890-3 Application
- §17-890-4 Study process
- §17-890-5 Issuance of certificate of approval
- §17-890-6 Renewal of certificate of approval
- §17-890-7 Denial of certificate of approval
- §17-890-8 Revocation of certificate of approval
- §17-890-9 Right to appeal
- §17-890-10 Hearing
- §17-890-11 Penalty

Subchapter 2 Administration of the Foster  
Family Boarding Home

- §17-890-12 Number of children to be cared
- §17-890-13 Record
- §17-890-14 Contacts with the foster family
- §§17-890-15 to 17-890-18 (Reserved)

Subchapter 3 Care of Foster Child

- §17-890-19 Member of foster family
- §17-890-20 Health
- §17-890-21 Emergencies
- §17-890-22 Diet
- §17-890-23 Clothing and personal supplies
- §17-890-24 Recreation and social activities
- §17-890-25 Training and discipline
- §17-890-26 Education
- §17-890-27 Religion

§17-890-1

§17-890-28 Absence from foster family  
boarding home  
§§17-890-29 to 17-890-32 (Reserved)

Subchapter 4 Foster Family and Home  
Environment

§17-890-33 Personal qualifications required  
§17-890-34 Marital status  
§17-890-35 References  
§17-890-36 Health of foster family  
§17-890-37 Income  
§17-890-38 Employed foster parent  
§17-890-39 Absence from the home  
§§17-890-40 to 17-890-43 (Reserved)

Subchapter 5 Housing and Sanitation

§17-890-44 Requirements  
§17-890-45 Equipment and furnishings  
§17-890-46 Sleeping arrangement  
§17-890-47 Separability  
§17-890-48 Savings clause

Historical Note: This chapter is based substantially upon Rule 2, "Rules and Regulations Governing Foster Boarding Homes," Public Welfare Division, Department of Social Services and Housing. [Eff 9/16/54; R 7/19/82]

§17-890-1 Definitions. For the purpose of this chapter:

"Agency" means both the child-placing agency, in the case of an agency-supervised home, and the licensing agency, in the case of the independent boarding home.

"Agency-placement" means placement of a foster child in a foster family boarding home through a child-placing agency.

"Agency-supervised foster home" means a foster family boarding home which receives children for parenting care through a child-placing agency.

"Applicant" means any adult person who makes a written request for a certificate of approval.

"Boarding house" means a commercial facility which serves meals to persons who live on the premises or elsewhere. Although such persons may eat at the table

with the boarding house operator and the operator's family, the relationship between the operator and the recipients of the service shall have none of the elements which characterize family living.

"Certificate of approval" means a certificate issued to the foster parents by the department or the department's delegated agent authorizing the foster parents to operate a foster family boarding home.

"Child caring institution" means any institution, other than an institution of the State, maintained for the purpose of receiving six or more minor children for care and maintenance, not of common parents, apart from the children's parents or guardians on a twenty-four hour basis for monetary payment. This term shall not apply to any boarding school which is essentially and primarily engaged in educational work.

"Child-placing agency" means any organization certified by the department to engage in the investigation, placement, and supervision of children in foster care and which has been delegated the authority by the department to approve foster family boarding homes under its supervision. This term includes the department's family and adult services division.

"Foster child" means any child under eighteen years of age who is not related to the foster parent by blood, marriage, or adoption and who is in need of parenting care.

"Foster family boarding home" means a home providing family care to minor foster children apart from the children's parents or guardian on a twenty-four hour basis and which has met the state certification requirements.

"Foster parent" means any adult person who gives parenting care and maintenance to a foster child.

"Independent foster home" means a foster family boarding home which receives foster children for parenting care from sources other than a child-placing agency. Persons who give full-time care to a friend's child for longer than four months for a fee or charge shall fall within this definition.

"Independent placement" means placement of a foster child in a foster family boarding home directly by the child's parents or other responsible persons and not through a child-placing agency.

"Licensing agency" means the department of human services which has the responsibility and authority to establish standards of condition, management, and

competence, and to issue the certificate of approval.

"New hire" means a person seeking to be a foster parent or an employee in a foster home for the first time in the State, either as an applicant or prospective employee of an applicant.

"Provisional certificate of approval" means a temporary certificate issued at the discretion of the department or agency for a period of six months to any foster family boarding home which is unable to conform to all the rules at the time the certificate is issued.

"Rehire" means an applicant or prospective employee of a foster family boarding home who is seeking to become a foster parent or be employed in a foster home following termination of certification or employment of more than six months and who has been out of the State during this break in certification or employment.

"Rooming house" means a commercial residential facility which provides living quarters for individuals apart from those occupied by the rooming house operator. The individuals may share facilities such as a kitchen and bathroom, but there shall be no mutual relationships and responsibilities which characterize family living. [Eff 7/19/82; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §§346-16, 346-17)

## SUBCHAPTER 1

### CERTIFICATION REQUIREMENTS

§17-890-2 Need for certification. A foster family boarding home shall have a certificate of approval in order to care for children. The certificate of approval shall indicate that the rules for the care of foster children have been met. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §346-14, 346-17) (Imp: HRS §346-17)

§17-890-3 Application. (a) A married couple desiring to provide foster family care for children from a child-placing agency shall apply jointly to the child-placing agency of the couple's choice for a certificate of approval.

(b) An adult person desiring to provide foster family care for children from a child-placing agency

shall apply to the child-placing agency of the person's choice for a certificate of approval.

(c) An adult person or married couple desiring to provide foster family care for unrelated children independently of a child-placing agency shall apply to the department for a certificate of approval.

(d) Applicants described in subsections (a), (b), and (c) shall provide an initial criminal history, background, employment information, and consent to conduct such checks as may be required by state or federal law. Such information and consent shall be given upon forms supplied by the department and shall be repeated only for applicants defined as rehires.

(e) The department or agency receiving the application shall conduct employment history and background checks on applicants and on prospective employees. [Eff 7/19/82; am 9/30/85; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §§346-14, 346-17; Pub. Law No. 98-473; 42 U.S.C. §5751)

§17-890-4 Study process. (a) The agency receiving the application shall conduct a study of the applicants and the applicants' home to determine whether the rules for foster family boarding homes are met and to make recommendations for disposition of the application.

(b) The study shall indicate if the applicants can demonstrate or indicate the ability or personal qualities to care for foster children.

(c) A record of the agency's findings shall be kept on file at the agency to which application is made. [Eff 7/19/82; am 3/20/87; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-5 Issuance of certificate of approval.

(a) On the basis of the study indicating the applicant's satisfactory compliance with the rules for foster family boarding homes, the department or the department's delegated agent shall issue a certificate of approval. The certificate of approval shall specify:

- (1) The name and address of the persons to whom the certificate of approval is issued;
- (2) The maximum number of foster children permitted;

- (3) The period for which the certificate is effective;
  - (4) The specific child-placing agency, whenever applicable; and
  - (5) The child's name if the home has been approved for a specific child.
- (b) If the foster family boarding home under study will accept only a specific child or a child for whom service is requested is already living in the foster family boarding home, the department or agency may issue a certificate of approval for a specific child if the home meets licensing requirements.
- (1) Studies on all foster homes for a specific child already living in the home shall be completed not later than two months after the date the department or agency becomes aware of the placement.
  - (2) The branch or agency administrator or designee's approval is required for any exceptions to licensing rules for a foster home for a specific child.
- (c) The certificate of approval shall be effective for a period of one year from the date of issue. The certificate of approval shall not be transferable and shall become invalid when:
- (1) The person to whom the certificate of approval is issued ceases to operate a foster family boarding home;
  - (2) There is a change in residence;
  - (3) The home accepts more than the maximum number of children for which the home is approved; or
  - (4) A specific child for whom the home has been approved no longer is in the home.
- (d) A provisional certificate of approval may be issued for those unable to meet all requirements at the point of study, if it is reasonable to assume that all requirements will be met within six months, and provided that the health or safety of the child is not jeopardized.
- (e) The certificate of approval shall be available for inspection at the foster family boarding home.
- (f) In independent foster homes, the certificate shall be in a place where it will be visible to visitors.
- (g) After the issuance of a certificate of approval, applicants shall ensure that new employees

and rehires comply with section 17-890-3(d) and (e) not later than five working days after employment.

(h) The department may request the applicant terminate the employment of an employee who has a criminal history, employment history, or background which poses a risk to children in care. Any such request shall be in writing and shall state with specificity those criminal convictions, employment history, or background information which indicates a risk to children.

(1) If the applicant does not terminate the employment of the employee, the applicant shall notify the department within seven working days of receipt of the request. The notification shall be in writing and shall state the reasons for the decision.

(2) Refusal to terminate the employment of an employee when requested under this section may be grounds for revocation or suspension of a certificate of approval.

(i) The certification of a foster family boarding home shall not obligate the agency to place children in the home. The certification shall mean only that the agency has evaluated the foster family and has determined that the foster family boarding home meets the state rules governing foster family boarding homes.

[Eff 7/19/82; am 9/30/85; am 3/20/87; am and comp  
 JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17; Public Law 98-473; 42 U.S.C. §5751)

§17-890-6 Renewal of certificate of approval.

(a) A new certificate shall be issued when the existing certificate of approval expires or becomes invalid, provided that upon re-examination, the home gives evidence of meeting the rules governing foster family boarding homes.

(b) Annual name inquiry into the state criminal history files shall be conducted. The applicant and employees shall provide consent to the department to conduct such checks within five working days of the employment anniversary date or the anniversary date of the last consent to a criminal history check. [Eff 7/19/82; am 9/30/85; am 3/20/87; comp  
 JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: §346-17)

§17-890-7 Denial of certificate of approval. (a)

§17-890-7

The department or the department's delegated agent shall deny a certificate of approval when a home fails to comply with the rules at the time of the study process, or when a home cannot demonstrate the ability or personal qualities to care for foster children.

(b) The agency shall notify the applicant in writing as to why the certificate of approval is denied. [Eff 7/19/82; am 3/20/87; am and comp  
JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp:  
HRS §346-17)

§17-890-8 Revocation of certificate of approval.

(a) The department or the department's delegated agent may revoke a certificate of approval when a home fails to meet the rules during the period covered by the certificate.

(b) The agency shall discuss with the foster parents the specific violations of the rules and shall set a date with the foster parents within which necessary improvements must be made.

(c) The certificate may be suspended for a period not to exceed three months to allow foster parents to make necessary improvements.

(d) If the home continues to violate the rules the agency shall notify the foster parents in writing of the revocation of the certificate of approval. [Eff 7/19/82; am 3/20/87; am and comp JUL 30 1992 ]  
(Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-9 Right to appeal. (a) Persons whose application for a certificate of approval has been denied or foster parents whose certificate of approval has been revoked shall have the right to appeal the decision of denial or revocation to the director of the department through the certifying agency within thirty days following receipt of the notice of denial or revocation. Foster parents shall submit the appeal in writing.

(b) The certifying agency shall notify the director of the department regarding the agency's recommendations and reasons for the denial or revocation of the certificate of approval. The agency shall also explain why the decision to deny or revoke the certificate of approval is being contested by the applicant or foster family.

(c) Within thirty days after receipt of notice of

appeal, the director of the department shall notify the applicant or foster parents and the certifying agency of the violation in writing giving the applicant or the foster parents and the agency an opportunity for a hearing on the situation. [Eff 7/19/82; am and comp  
 JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-10 Hearing. The director or the director's designated representative shall preside over the hearing and a written decision shall be sent to the applicant or foster parents and the agency involved within sixty days from the date of the hearing. [Eff 7/19/82; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-11 Penalty. Any person who knowingly and voluntarily operates a foster family boarding home without a certificate of approval or who wilfully makes any false statement or violates the rules shall be guilty of a violation which shall be punishable by a fine not exceeding \$200. [Eff 7/19/82; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

## SUBCHAPTER 2

### ADMINISTRATION OF THE FOSTER FAMILY BOARDING HOME

§17-890-12 Number of children to be cared. (a) There shall be no more than five foster children in a foster family boarding home. In the event the home is interested in giving day care to children in addition to caring for foster children, the total number of foster and day care children in the home simultaneously shall not exceed five. This rule shall not prevent a home which provides care for older school aged foster children from providing day care for younger children as long as this arrangement is not detrimental to the children under care and the hours of foster care and day care are not overlapping. The foster home, however, shall meet requirements under both the rules governing foster family boarding homes and family day care homes.

§17-890-12

(b) No more than two children under the age of two years shall be cared for in a home by one foster mother unless there is additional help approved by the agency. At no time shall there be more than four children under the age of two, including the foster parents' own children.

(c) A home which accepts agency placements shall not accept children from any other source without permission from the agency using the home. [Eff 7/19/82; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-13 Record. (a) A current register of all children admitted shall be kept by the foster home and shall be open for inspection by representatives of the agency.

(b) The register for the agency foster home shall include:

- (1) A listing of children accepted for placement by name, age, date placed, and date removed; and
- (2) A health record on each child placed in the home with:
  - (A) The name of the child's physician, and the physician's address and telephone number; and
  - (B) Information of how to contact the agency representative, the child's parents, legal guardian, or other responsible person in the event of an emergency.

(c) The register for the independent foster home shall include:

- (1) The full name of the child accepted for placement and the child's birthdate;
- (2) The full names of the parents and the parents' addresses and telephone numbers;
- (3) The name of the person who placed the child and the person's address and telephone number;
- (4) The date the child was placed;
- (5) The date the child was removed; and
- (6) The health record on each child placed in the home with:
  - (A) Information of how to contact the child's parents, legal guardian, or other responsible person in the event of an emergency; and

(B) The name of the child's physician, and the physician's address and telephone number.

(d) All records concerning children and information from the records shall be held confidential and shall be available only to duly authorized persons. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-14 Contacts with the foster family. The foster family shall be visited by staff authorized by the agency as frequently as needed to assure the continued well-being of the foster child and that the foster family boarding home continues to meet the requirements for licensing. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§§17-890-15 to 17-890-18 (Reserved)

### SUBCHAPTER 3

#### CARE OF FOSTER CHILD

§17-890-19 Member of foster family. (a) A foster child shall be cared for as a family member and shall share in the family's pleasures and responsibilities.

(b) The foster parents shall report to the agency any change which adversely affects the child under foster care. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-20 Health. (a) The foster child shall have a complete physical examination by a licensed physician on initial placement and at least once a year thereafter. The examinations shall indicate the presence of any communicable condition, known allergies, physical handicaps or limitations, and specific health needs.

(b) The physical examination for initial placement shall be completed by a licensed physician within forty-eight hours immediately preceding or twenty-four hours after the child's admission to a

foster family boarding home. The examination shall indicate whether the child is free from communicable disease and whether the child may be accepted for placement.

(c) For subsequent placements, a health screening shall be completed by a licensed physician or licensed nurse practitioner within forty-eight hours immediately preceding or twenty-four hours after the child's admission to a foster family boarding home for communicable disease, injury, or medical illness, provided the child has had a complete physical examination within the year.

(d) The foster parents shall be provided pertinent information on the health of each child accepted for admittance to the foster parents' home including any particular medical or health problems. The health information shall include immunization records and tuberculin clearance in accordance with current state department of health recommendations. For independent foster homes, the medical information shall be in writing.

(e) The foster parents shall expect that the placement agency or parent or guardian in independent placements, shall plan for regular medical and dental supervision for the foster child. Agency foster parents shall keep the supervising agency informed of any health problems. [Eff 7/19/82; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-21 Emergencies. (a) Foster parents shall obtain instructions from the child-placing agency or from the parents or guardians in independent placements regarding procedures to follow in case of sudden illness or accidents.

(b) Severe illness, serious injuries, accident, runaway, or death of the child shall be reported immediately to the agency, or in independent placement, to the child's parents or person responsible for the child. [Eff 7/19/82; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-22 Diet. Diet shall be adequate for good nutrition. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-23 Clothing and personal supplies. (a)  
A foster child's clothing shall be kept clean and in proper condition of repair and shall be of appropriate size.

(b) Each foster child shall be provided with individual combs, toothbrushes, and other necessary toilet articles. [Eff 7/19/82; am and comp  
JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-24 Recreation and social activities. (a)  
A well-balanced daily program including time for rest appropriate to the foster child's age, regular meal hours, and recreation shall be provided for the foster child.

(b) The foster parents shall cooperate with the child-placing agency or with parents or guardians in independent placements, to allow the child to participate in appropriate social and recreational activities in the community.

(c) Foster parents shall cooperate with the child-placing agency or with parents or guardians in independent placement, to allow the child to visit with parents and relatives. [Eff 7/19/82; am and comp  
JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-25 Training and discipline. (a) Child training and discipline shall be carried out with kindness and understanding. No child shall be subjected to physical punishment or any action which would endanger the child's physical or emotional well-being.

(b) As a member of the family, a foster child shall participate in simple home duties commensurate with the child's age which do not interfere with school, health, and necessary recreation, and which are shared with any other children in the foster home. [Eff 7/19/82; am 3/20/87; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-26 Education. Regular school attendance shall be expected of all children in accordance with state laws. Attention shall be given to the special education needs of the foster child. [Eff 7/19/82;

§17-890-26

comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17)  
(Imp: HRS §346-17)

§17-890-27 Religion. The religious faith of each child shall be respected and the child shall be afforded the opportunity to attend the church, Sunday school, or both, of the child's parents or legal guardian or, in their absence, of the child's choice. [Eff. 7/19/82; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-28 Absence from foster family boarding home. (a) When a child is to be absent from the foster family boarding home overnight or longer, the foster parents shall secure permission from the child-placing agency or the parents or guardian in independent placements.

(b) Absence of a child without permission of the foster parents shall be reported immediately by the foster parents to the child-placing agency or to the parents or guardian or responsible person in independent placements.

(c) After working hours, runaways shall be reported to the police with a report to the department or agency as soon as possible. [Eff 7/19/82; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§§17-890-29 to 17-890-32 (Reserved)

#### SUBCHAPTER 4

#### FOSTER FAMILY AND HOME ENVIRONMENT

§17-890-33 Personal qualifications required. (a) Foster parents and all members of the household shall show evidence of being well-adjusted persons, capable of accepting and caring for children and working with the agency.

- (1) They must accept a child's relationship with the child's parents; and
  - (2) They must have an understanding of a child's special needs.
- (b) Applicants, employees, and foster parents

shall be of reputable and responsible character and shall not have a criminal history record, employment history, or background which poses a risk to children in care.

- (1) Conviction of a crime involving violence, alcohol or drug abuse, sex offense, offense involving children, and any other conviction, the circumstances of which indicate that the applicant or employee may pose a danger to children, are grounds for denial or revocation of a certificate of approval or a reason to request termination of an employee under section 17-890-5(h).
- (2) Type of criminal offense, when it occurred and evidence of rehabilitation may be considered in determining whether the criminal history record poses a risk to the health, safety, or well-being of children in care.
- (3) An employment history indicating violence, alcohol or drug abuse, and any other violation of employer rule or policy, the circumstances of which indicate that the applicant or employee may pose a danger to children, may be grounds for denial or revocation of a certificate of approval or a reason to request termination of an employee under section 17-890-5(h).
- (4) Background information which shows that the individual has been identified as and substantiated to be the perpetrator of child abuse or neglect may be a basis for denial or revocation of a certificate of approval or a reason to request termination of an employee under section 17-890-5(h). [Eff 7/19/82; am 9/30/85; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17; Pub. L. No. 98-473, 50 Fed. Reg. 2089)

§17-890-34 Marital status. (a) Proof of marriage shall be required where there is a father and mother in the foster home.

(b) A single person or parent may be considered for the provision of foster care for selected children. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-35 References. Applicants shall provide two references who have adequate knowledge of the family background in terms of character and ability to care for children. Additional references shall be furnished the agency upon request. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: §346-17)

§17-890-36 Health of foster family. (a) All members of the household shall be free from disease which may be transmittable to others and from physical and emotional conditions which may adversely affect the foster parents' ability to care for children.

(b) The following written medical reports shall be submitted by the foster parents to the agency prior to the initial approval of a foster family home:

- (1) Physical examinations on the foster parents completed within the year by a licensed physician; and
- (2) Tuberculosis clearance in accordance with current state department of health recommendation on every member of the household taken within one year prior to the issuance of a certificate of approval.

(c) Current physical examinations or other reports with reference to the health of the foster parents and other members of the household may be requested at any time by the agency.

(d) Annual tuberculosis clearance shall be required of all household members with known positive tuberculin reactions.

(e) Any person who moves into the foster family home after a license has been issued shall have a tuberculosis clearance taken the past year.

(f) Failure to comply with this section may result in revocation of the foster family home license. [Eff 7/19/82; am 3/20/87; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-37 Income. (a) Income of the foster family shall be reasonably steady and sufficient to maintain an adequate standard of living for the family. A single parent shall have an income adequate to meet the parent's need from a source other than board payments for the care of foster children.

(b) No business shall be conducted on the

premises which would adversely affect the welfare of the children under the foster parents' care.

(c) Foster parents may have a joint savings account with a child if they have legal responsibility or guardianship for the child. Other foster parents must receive written approval by the department or agency to hold any account. [Eff 7/19/82; am 3/20/87; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-38 Employed foster parent. (a) The employment of the foster parent shall not interfere with the care of children.

(b) Employed foster parents caring for foster children under the age of three years should have one employed parent remaining in the home with the children, unless approval is given for both to be employed out of the home at the same time.

(c) Care of the children in the absence of employed foster parents shall be in accordance with licensing regulations for in home care, or other child care regulations. [Eff 7/19/82; am 3/20/87; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-39 Absence from the home. When the foster parents are absent from the home because of emergencies or planned vacations or other reasons, the foster parents may arrange for the supervision of the foster child by a responsible adult person for up to three weeks. Notification of the foster parents' absence shall be given to the agency immediately or in the case of independent placement, to the parents or legal guardians.

The licensing and placement workers must concur with this planning. [Eff 7/19/82; am 3/20/87; comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§§17-890-40 to 17-890-43 (Reserved)

#### SUBCHAPTER 5

#### HOUSING AND SANITATION

890-17

§17-890-44 Requirements. The home shall comply with acceptable state standards on housing and sanitation as follows:

- (1) The bedroom space in the home shall be not less than forty square feet for each child under twelve years of age or fifty square feet for each child over twelve years of age;
- (2) Running water shall be available for bathing facilities and the waste from the running water shall be connected to a public sewage system or other approved method;
- (3) Where there is an adequate water supply, the home shall have sanitary flush toilets. In areas where an adequate water supply is not available, sanitary privy or other approved methods in accordance with state department of health standards shall be implemented;
- (4) There shall be adequate artificial and natural light and ventilation available where the facilities in paragraphs (1), (2), and (3) are located. Ventilation means a window that opens to the outside atmosphere. Ventilators as approved by the applicable state or county building code shall be acceptable in place of a window for bathrooms only;
- (5) Storage of food in the home shall be free from rat and insect infestation and perishable food shall be stored in an ice box or refrigerator;
- (6) Preparation of food shall be in a kitchen properly screened with adequate sink facilities;
- (7) All eating and drinking utensils shall be thoroughly cleaned after each usage;
- (8) The home shall have an approved source of potable water supply;
- (9) Adequate laundering facilities for washing clothes shall be available;
- (10) The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a public sewage system or other approved method;
- (11) The home shall have proper facilities for the disposal of garbage and refuse; and
- (12) The premises shall be kept in a sanitary and safe condition. There shall be reasonable protection from fire hazards, drugs, poisons,

household supplies, dangerous tools, and weapons. [Eff 7/19/82; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-45 Equipment and furnishings. (a) Each child shall be provided adequate dresser or closet space for the child's clothing and belongings.

(b) Each child shall be provided with an individual bed, except that two brothers or two sisters may share a double bed, preferably for a temporary period only. Bunk beds with no more than two tiers shall be used only on a selected basis as appropriate to the child's age and situation. Proper ladders and guards shall be provided for upper bunks.

(c) Each bed or crib shall be of a size as to insure comfort of the child, shall have good level springs and mattress, clean, comfortable bedding and linen, and water proof covering, if needed. [Eff 7/19/82; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-46 Sleeping arrangement. (a) The sleeping arrangement for a foster child shall include suitable light, ventilation, and provision for proper rest.

(b) The foster parents' child shall not be displaced because of the presence of a foster child.

(c) No foster child over one year of age shall sleep regularly in the same room with a married couple or an adult of the opposite sex.

(d) No foster child over six years of age shall sleep in the same room with children over six years old of the opposite sex. Exceptions may be made in the case of mentally or physically handicapped children with approval of the department or agency.

(e) No foster child shall sleep in a detached building without supervision or in an unfurnished attic, basement, hallway, or stairwell.

(f) Individual beds shall be spaced three feet apart to provide sufficient passageway between beds. [Eff 7/19/82; am 3/20/87; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-890-47 Separability. If any section,

§17-890-47

subsection, paragraph, subparagraph, or clause of these rules or its application to any person or circumstance, is for any reason held to be unconstitutional or invalid, the remaining portions of these rules or the application of these rules to other persons or circumstances shall not be affected. [Eff 7/19/82; am and comp JUL 30 1992 ] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346- 17)

§17-890-48 Savings clause. Existing foster family boarding homes licensed by the department shall continue to operate for the term of the foster family boarding homes' certificate of approval and shall qualify under these rules thereafter. [Eff 7/19/82; comp JUL 30 1992 ] (Auth: HRS §346-17) (Imp: HRS §346-17)