

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number He-C 6347

<p>1. Agency Name & Address:</p> <p>Dept. of Health & Human Services Division for Children, Youth and Families Thayer Building, 1st Floor 129 Pleasant Street Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 170-G:4, XVIII & RSA 170-G:5</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Certification for Payment Standards for Foster Family Care Service Credentials**

6. (a) Summary of what the rule says and of any proposed amendments:

He-C 6347 sets forth the qualifications and procedures to obtain a credential from the Division for Children, Youth and Families (DCYF) to provide specific foster family care services. Credentials specifically describe the types of foster family care credentials foster parents may receive when qualified to provide services in addition to general license care.

The Department of Health and Human Services (Department) proposes to readopt with amendment He-C 6347.

A summary of the proposed rule changes are as follows:

- **Updating the rule for better clarity, program integrity, and programmatic changes, and to be consistent with other Departmental rules;**
- **Inserting throughout He-C 6347 administrative rule paragraphs and subparagraphs on credentials for assessment care, crisis care, emergency care, and specialized care formerly effective in He-C 6446.06, He-C 6446.21, and He-C 6446.25 but with editorial modifications, in order to consolidate all credential requirements into one governing administrative rule;**
- **Inserting definitions for “assessment care”, “crisis care”, “emergency care”, “general care”, and “specialized care” and removing definitions for “director”, “individualized education program”, and “NH bridges”;**
- **Amending definitions for “case plan”, “child”, “credential”, and “Division for Children, Youth and Families” to match the revised content of the amended He-C 6347 and align with terms as defined in He-C 6446;**
- **Implementing the requirements of RSA 170-E:53, adopted by HB 550 (2019, 175:1) to make available extended foster care services for youth beyond the age of 18 to the age of 21;**

- **Removing the incorporation by reference of Form 1715 “Foster Care / Adoption Application” and Form 1850 “Foster Adoptive Kinship Provider Enrollment Change” because these forms are not used for the certification of credentials;**
- **Maintaining Forms 1695 “Adult Living Preparation Plan”, 1960 “Bill of Rights for New Hampshire Youth in Care”, 1690 “Needs Assessment for Adult Living”, 2110 “Service Authorization” and the “Alternate W-4” form without changes and with the noted edition dates because those forms are used in other DCYF rules and require no changes at this time;**
- **Amending the following forms which are incorporated by reference:**
 - **Form 1969 “Monthly National Youth in Transition Database (NYTD) Checklist” by spelling out the acronym in the title, clarifying the information requested, and changing the question asked under “Mentoring”;** and
 - **Form 1984 “Post Care Plan” by updating the form to include a date, clarifying instructional text and topic headers, requesting the identification of a primary caring adult, and requesting whether the form was completed with another person.**

6. (b) Brief description of the groups affected:

These rules affect individuals who seek to be certified for payment and credentialed for foster care services.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section	Specific State or Federal Statute the Rule Implements
He-C 6347.01	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.02	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.03	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.04	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:27; RSA 169-C:29-30
He-C 6347.05	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:25
He-C 6347.06	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.07	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.08	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.09	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.10	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.11	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34; RSA 170-E:53
He-C 6347.12	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.13	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.14	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:31
He-C 6347.15	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:32
He-C 6347.16	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.17	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.18	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.19	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 126-A:3
He-C 6347.20	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.21	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:42
He-C 6347.22	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 541-A:22,IV
He-C 6347.23	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:35

He-C 6347.24	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:36
He-C 6347.25	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E: 36;
He-C 6347.26	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34,I(e); RSA 170-E:35-37

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Kim Reeve, Esq.** Title: **Legal Counsel – Admin Rules**
Address: **NH Dept. of Health & Human Services** Phone #: **271-9640**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St. E-mail: Kimberly.reeve@dhhs.nh.gov
Concord, NH 03301

The proposed rules may be viewed and downloaded at: <http://www.dhhs.nh.gov/oos/aru/comment.htm>
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 21, 2020**

Fax E-mail Other format (specify):

9. Public hearings scheduled for:

Date and Time: **February 13, 2020 2:00-3:00 PM**
Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:233, dated 01/03/2020

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost between the proposed rules and the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Any difference in cost is attributable to RSA 170-E:34, I(f), which requires the Department of Health and Human Services provide compensation to foster parents, and RSA 170-E:53 (established by HB 550 from 2019), which establishes the policy of extending foster care beyond age 18. The FY 2020/21 operating budget contains funding for this extension of services.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposal does not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

CHAPTER He-C 6300 GENERAL PROGRAM ADMINISTRATION

Readopt with amendment He-C 6347, effective 3-18-17 (Document #12134), to read as follows:PART He-C 6347 CERTIFICATION FOR PAYMENT STANDARDS FOR FOSTER FAMILY CARE SERVICE CREDENTIALS

He-C 6347.01 Purpose. The purpose of this part is to identify the qualifications and procedures to become credentialed to provide specific foster family care services for the division for children, youth and families (DCYF).

He-C 6347.02 Scope. This part shall apply to foster ~~care~~-parents who receive ~~daily~~ stipends twice per month based on a daily rate per age of the child from the department of health and human services (DHHS) based on credentials for foster family care services provided to children.

He-C 6347.03 Definitions.

(a) “Adolescent care ” means a credential for foster family care where the care of adolescents, age 14-21 years with specialized needs, provided by foster parents that have been recruited, selected, and trained to serve this specialized population.

(b) “Agency” means a child-placing agency or a child care institution, pursuant to RSA 170-E.

(c) “Assessment Care” means a credential for foster family care where during the initial placement of a child in care, the foster parent will support an evaluation of the child and birth family’s placement and treatment needs for a period of 60 days.

~~(ed) “Case plan” means the division for children, youth, and families’ (DCYF) written plan for the child and the family which outlines how services will be provided, pursuant to RSA 170-G: 4 III, and 42 U.S.C. 671, PART E Federal Payments for Foster Care and Adoption Assistance Section 471(a)(16), and 42 U.S.C. 675475(1) and (5)(A) and (D) State Plan For Foster Care and Adoption Assistance. This term includes “placement plan.”~~

~~(de) “Certification for payment” means the process by which DCYF approves the credentials of and payment to foster parents.~~

~~(ef) “Child” means:~~

~~(1) “Child” as defined in RSA 170-E:25, I, namely “any person under 21 years of age.” The term includes “youth”; or~~

~~(2) For the purposes of compliance with RSA 126-U, “child” as defined in RSA 126-U:1, I, namely, “a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. ‘Child’ also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma.” The term includes “youth.”~~

~~(fg) “Child protective service worker (CPSW)” means an employee of DCYF who has expertise in managing cases to ensure families and children achieve safety, permanency, and well-being referred to the department pursuant to RSA 169-C, RSA 170-B, RSA 170-C, and RSA 463.~~

~~(gh) “Commissioner” means the commissioner of the department of health and human services or his or her designee.~~

(~~hi~~) “Credential” means the qualification to provide a category of foster family care including general care, emergency care, assessment care, adolescent care, respite care, specialized care, or supplemental care.

(j) “Crisis care” means a level of the emergency care credential accessible for court-ordered placement outside of DCYF’s normal operating hours for a period not to exceed 5 calendar days.

(~~ik~~) “Department (DHHS)” means the New Hampshire department of health and human services.

~~(j) “Director” means the director of the division for children, youth and families, or designee.~~

(~~kl~~) “Division for children, youth and families (DCYF)” means the organizational unit of ~~the DHHS department of health and human services~~ that provides services to children and youth referred by courts pursuant to RSA 169-A, RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-B, RSA 170-C, RSA 170-H, and RSA 463.

(m) “Emergency care” means a credential for foster family care where an unplanned placement is made in a foster family home and services are provided to a child in care for a period not to exceed 10 calendar days.

(~~hn~~) “Foster parent” means an individual who has a license or permit for foster family care.

(o) “General care” means a credential for foster family care where shelter, supervision, and support services are provided.

~~(m) “Individualized education program (IEP)” means a child specific written plan that meets educational needs, as defined in RSA 186 C:2, III.~~

(~~np~~) “Juvenile probation and parole officer (JPPO)” means an employee of DCYF who exercises the powers and duties established by RSA 170-G:16, and supervises paroled delinquents pursuant to RSA 170-H.

~~(o) “NH bridges” means the automated case management, information, tracking, and reimbursement system used by DCYF.~~

(~~pq~~) “Parent” means “parent” as defined in RSA 169-C:3, XXI, namely, “mother”, “father”, “adoptive parent”, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

(~~qr~~) “Primary caring adult” means an adult other than a child’s parent who the child chooses and the court appoints to make a lifelong commitment to be the child’s primary source of guidance and encouragement, and understands the child’s current and future needs.

(~~rs~~) “Quality assurance” means the process that DCYF uses to monitor the quality and effectiveness of foster family care services.

(~~st~~) “Respite care” means a credential for foster family care where substitute care is provided by a licensed foster parent who provides temporary overnight relief of child care responsibilities for the parent or for the substitute care provider for children in foster family care programs.

(u) “Specialized care” means a credential for foster family care where shelter, supervision, and support services are provided to children identified as needing specialized care, by foster parents who have met the additional training and care requirements.

(~~tv~~) “Supplemental care” means a credential for foster family care where daily stipends are made, based on the intensity of care and services provided by foster parents for a specific child residing in foster family care who requires more than general care or specialized care.

He-C 6347.04 Compliance Requirements.

(a) The foster parent shall comply with:

- (1) All licensing requirements per He-C 6446; and
- (2) The requirements of He-C 6347 as applicable to the type of foster family care credential the foster parent has obtained or is seeking.

(b) Failure to comply with He-C 6347 shall result in:

- (1) Denial of a credential pursuant to He-C 6347.~~2319~~;
- (2) Termination of certified credential pursuant to He-C 6347.23; or
- (3) Denial of reimbursement.

He-C 6347.05 Foster Family Care Credentials.

(a) The foster family care credentials shall be:

- (1) General care;
- (2) Respite care;
- (3) Specialized care;
- (4) Emergency care;
- (5) Crisis care;
- (6) Assessment care;
- (7) Adolescent care; and
- (~~4~~8) Supplemental care.

(b) Foster family care providers may provide additional foster care services through a child-placing agency as identified in He-C 6355, including individual service option, therapeutic, and staffed foster care.

(~~bc~~) All individuals licensed pursuant to He-C 6446 shall have the credential to provide general foster family care and respite care, for reimbursement at the established rate in He-C 6423.

(d) Any individual licensed pursuant to He-C 6446 shall request certification to provide emergency care for reimbursement at the established rate in He-C 6423 and shall be in compliance with He-C 6347.08.

(e) Any individual licensed pursuant to He-C 6446 shall request certification to provide crisis care for reimbursement at the established rate in He-C 6423 and shall be in compliance with He-C 6347.09.

(f) Any individual licensed pursuant to He-C 6446 shall request certification to provide assessment care for reimbursement at the established rate in He-C 6423 and shall be in compliance with He-C 6347.10.

(eg) Any individual licensed pursuant to He-C 6446 shall request certification to provide adolescent care for reimbursement at the established rate in He-C 6423 and shall be in compliance with He-C 6347.1107.

(h) Any individual licensed pursuant to He-C 6446 shall request certification to provide specialized care for reimbursement at the established rate in He-C 6423 and shall be in compliance with He-C 6347.07.

(di) Foster parents shall be provided a credential for supplemental care based on the actual costs for a specific child in compliance with He-C 6347.1208.

He-C 6347.06 Utilizing Respite Care Credentials.

(a) A foster parent shall provide respite care to children who are:

- (1) Living with parents or other relatives; or
- (2) In out-of-home care settings.

(b) Respite care shall be provided in order to:

- (1) Provide temporary overnight relief to parents, relatives, or foster parents;
- (2) Allow other foster parents to attend an overnight training or conference;
- (3) Allow other foster parents to take a vacation, if the child is unable to accompany the family;
- (4) Prevent placement disruption of a child; or
- (5) Provide a temporary foster family care setting to a child who is placed in a residential treatment program, in accordance with the child's case plan.

(c) A foster parent certified for the respite care credential shall not be eligible for a reimbursement unless prior DCYF administrator approval was granted or supported in the child's case plan when:

- (1) A child has already received the maximum of 14 days of respite care service per state fiscal year; or
- (2) Respite care has been provided for more than 3 consecutive days, unless prior administrator approval was granted or supported in the child's case plan.

(d) A foster parent certified for the respite care credential shall involve the caregiver and the child, if age and developmentally appropriate, in planning and making arrangements for the care of the child during respite care, including:

- (1) Visits and contacts;
- (2) Medical information and authorization;
- (3) Work and emergency telephone numbers; and
- (4) Beginning and ending dates and times of respite care.

~~(e) Respite care providers shall be currently licensed as a foster family care provider by DCYF or by another child placing agency pursuant to RSA 170-E.~~

(ef) When a child ~~is has been~~ in an out-of-home setting, both the out-of-home provider and the foster parent certified for the respite care shall be eligible to receive reimbursement for the care of the child for the days in which the child receives respite care, with the exception of foster care programs under He-C 6355 which include respite care as a part of the foster care service requirements.

He-C 6347.07 Requirements for Specialized Care Credential.

(a) In addition to being in compliance with He-C 6446, a foster parent seeking certification for the specialized care credential shall:

(1) Have at least one year of experience as a foster parent;

(2) Provide one written reference from a professional, such as a currently licensed foster parent, physician, therapist, or teacher who has personal knowledge of the foster parent's ability to observe and assess children's behavior;

(3) Provide one written reference from a CPSW or a JPPO who is familiar with the foster parent's experience with children in foster care;

(4) Attend 21 hours of DCYF approved training for specialized care, which includes topics relating to:

a. Introduction to specialized care that includes the following topics:

1. Foster care as a family support service;

2. The role of the foster parent in case assessment and planning;

3. How to clearly describe the behaviors of children; and

4. The importance of establishing case objectives and action steps to achieve those objectives;

b. Behavior management;

c. Handling sexualized behaviors;

d. Caring for children with developmental disabilities;

e. Caring for children with emotional disabilities; and

f. Working with the primary families to encourage the family members to remain active participants in the life of the child; and

(5) Have sufficient experience and education, as demonstrated through compliance with He-C 6446.06 and He-C 6347, to care for a child with special needs.

(b) A foster parent certified for the specialized care credential shall complete a minimum of 24 hours of in-service training during the 2 year licensing period pursuant to He-C 6446.14(k), 12 hours of which shall be related to the special needs of the child in care or as approved by the DCYF to enable the foster parent to strengthen or develop competencies to meet the needs of child(ren) in care.

(c) A foster parent certified for the specialized care credential shall:

(1) Keep and maintain detailed records on each child in care, which includes:

a. A detailed description of the placement;

b. A description of the visits between the family with the child in care and the CPSW or JPPO; and

c. A description of other appointments kept by the child in care; and

(2) By the 15th of each month, complete, and submit to the CPSW or JPPO a monthly report, which shall include the following about the child in care:

a. The name and birth date of the child;

b. The date of placement of the child in the foster home;

c. The name of the child's CPSW or JPPO;

d. Observations of the child's behavior and attitudes, any incidents requiring restraint or seclusion reportable under RSA 126-U:7-a, and relationship with members of the foster family;

e. Health care information;

f. Involvement with psychotherapy or counseling;

g. School attendance and performance;

h. Court action during the month; and

i. Any other information related to the health, safety, or educational progress of the child, including indications of improvement and areas of concern.

He-C 6347.08 Requirements for Emergency Care Credential.

(a) In addition to being in compliance with He-C 6446, a foster parent seeking certification for the emergency care credential shall attend in its entirety 6 hours of DCYF approved training associated with emergency care that includes information on how to assist children through traumatic separation from their family while learning how to manage anger and transition.

(b) A foster parent certified for the emergency care credential shall complete and submit to the CPSW or JPPO a written report within 15 days of the departure of the child in emergency care from the foster home that includes but is not limited to the following:

(1) A detailed description of the placement;

(2) A description of the visits between the family with the child in care and the CPSW or JPPO;

(3) A description of other appointments attended by the child in care;

(4) Observations of the behavior and attitude of the child in care including any incidents requiring restraint or seclusion reportable under RSA 126-U:7-a; and

(5) Other information about the child that would be helpful to the case manager for the purposes of case planning.

He-C 6347.09 Requirements for Crisis Care Credential. A foster parent certified for the emergency care credential pursuant to He-C 6347.08 shall be eligible to provide crisis care upon submission of a letter of support for this credential from a DCYF staff member or a child-placing agency staff member responsible for licensing foster care providers.

He-C 6347.10 Requirements for Assessment Care Credential.

(a) In addition to being in compliance with He-C 6446, a foster parent seeking certification for the assessment care credential shall:

(1) Have at least one year of experience as a foster parent;

(2) Provide one written reference from a professional, such as a currently licensed foster parent, physician, therapist, or teacher who has personal knowledge of the foster parent's ability to observe and assess children's behavior;

(3) Provide one written reference from a CPSW or a JPPO who is familiar with the foster parent's experience with providing foster care, to include a description of the foster parent's knowledge of the NH foster care system, other substitute care options, and services and resources available in the foster parent's community; and

(4) Complete 6 hours of DCYF approved training related to assessment care, including information on:

a. Observing and assessing children's behavior;

b. Record keeping; and

c. The foster parent's role in case planning.

(b) A foster parent certified for the assessment care credential shall complete a minimum of 24 hours of in-service training during the 2 year licensing period, pursuant to He-C 6446.14(k), 16 hours of which shall be related to the development of skill and competency to assess the behavior of children in care or as approved by the licensing agency to enable the foster parent to strengthen or develop competencies to meet the needs of child(ren) in care.

(c) A foster parent certified for the assessment care credential shall provide enhanced support for the evaluation of a child placed in their home by:

(1) Providing transportation for the child to appointments and visits to meet his or her case plan goals for permanency and well-being; and

(2) Attending:

a. Scheduled monthly meetings with DCYF staff and the child in the home; and

b. Treatment team meetings, school meetings, including Individualized Education Program (IEP) meetings, family assessment and inclusive reunification review meetings, and court reviews.

(d) A foster parent certified for the assessment care credential shall keep and maintain detailed records on each child in care, which includes documentation of the following:

(1) All work with the family of the child in care to maintain communication and to gather data for court reports and the case plan;

(2) All appointments and collateral contacts of the child in care;

(3) Daily observation of the behavior patterns and episodes of the child in care, including any incidents requiring restraint or seclusion reportable under RSA 126-U:7-a;

(4) At least one foster parent providing full-time, 24 hours per day of supervision of the child; and

(5) The foster parent's attendance of the licensing agency's case planning meetings concerning the child.

He-C 6347.1107 Requirements for Adolescent Care Credential.

(a) In addition to being in compliance with He-C 6446, a foster parent seeking certification for the adolescent care credential shall:

(1) Have at least one year of experience as a foster parent;

(2) Provide one written reference from a professional, such as a currently licensed foster parent, physician, therapist, or teacher who has personal knowledge of the foster parent's ability to observe and assess adolescent behavior;

(3) Provide one written reference from a CPSW or a JPPO who is familiar with the foster parent's experience and knowledge of working with adolescent children in foster care; and

(4) Complete 22 hours of DCYF approved pre-service training related to adolescent care, including information on:

a. Introduction to being an adolescent foster home;

b. Caring for adolescents;

c. Understanding adolescent development and attachment; and

d. The foster parent's role in future planning and preparing youth for adulthood.

(b) A foster parent certified for the adolescent care credential shall complete a minimum of 24 hours of in-service training during the 2 year licensing period, 12 hours of which shall focus on enabling the foster parent to strengthen or develop competencies to meet the needs of the youth in their care.;

(c) A foster parent certified for the adolescent care credential shall provide enhanced support for a youth placed in his or her home by:

(1) Providing modeling and instruction to the youth on adult living preparation including:

- a. The development of life skills;
 - b. The process to identify and access resources;
 - c. Assisting the youth in gaining employment and ~~or~~ volunteer opportunities;
 - d. Assisting the youth in applying to college or a career training program and with other aftercare planning as needed;
 - e. Supporting the youth participating in extracurricular activities and opportunities for the ~~division's~~ DCYF's adolescent program sponsored activities; and
 - f. Assisting the youth with transition and post care planning at least ~~six~~ 6 months before the youth will leave foster care;
- (2) Implementing the adult living preparation process in consultation with the CPSW or JPPO and the youth by:
- a. Completing the DHHS curriculum for preparing youth for adulthood with the youth; and
 - b. Developing an "Adult Living Preparation Plan" (~~Form~~ 1695 (January 2015 edition), with the youth;
- (3) Ensuring that the youth has opportunities and supports to meet ~~their~~ his or her case plan ~~needs-goals~~ for permanency, including but not limited to:
- a. The opportunity to make positive connections with family, friends, and community members including a commitment to a long-term relationship and connection to the youth beyond the DCYF closure of the youth's case or when the youth attains the age of 18 years or 21 years if jurisdiction is extended pursuant to RSA 170-E: ~~5325-I~~; and
 - b. Collaborating with the CPSW or JPPO and the ~~c~~ Court in identifying a ~~p~~ Primary ~~c~~ Caring ~~a~~ Adult for the youth, if the court-ordered permanency goal is ~~a~~ Another ~~p~~ Planned ~~p~~ Permanency ~~l~~ Living ~~a~~ Arrangement, in compliance with the court's "Protocols Relative to RSA 169-C Post- Permanency Hearings for Older Youth with a Permanency Plan of Another Planned Permanent Living Arrangement (APPLA);"
- (4) Supporting the youth's rights as outlined in the "Bill of Rights for New Hampshire Youth in Care" Form 1960 (August 2015 edition) including the right to normalcy, and age and developmentally appropriate opportunities;
- (5) Providing care and supervision for no more than 2 youths who require adolescent foster care services at any one time; ~~and~~;
- (6) Participating in planning for the youth in care by attending:
- a. Scheduled monthly meetings with DCYF -staff and the youth in the home;
 - b. Treatment team ~~-~~meetings, school meetings, including individualized education program, (IEP) meetings, ~~f~~ Family ~~a~~ Assessment and ~~i~~ Inclusive ~~r~~ Reunification ~~-~~review meetings, and court reviews; and
 - c. The youth's 90 day transition meeting as requested by the youth.

(d) A foster parent certified for the adolescent care credential shall assist the youth in completing documentation for the Adult Living Preparation as follows:

- (1) The “Needs Assessment for Adult Living,” Form 1690(~~+~~) (January 2015) within 30 days of placement. The completed, dated and signed form shall be dated and signed by the youth and the youth’s CPSW or JPPO;
- (2) A life skills assessment provided by DCYF within 30 days of placement;
- (3) A career assessment provided by DCYF, within 60 days of placement;
- (4) The “Adult Living Preparation Plan,” Form 1695 (January 2015), within 60 days of placement and updated annually thereafter, which shall incorporate the results of the career assessment in (3) above and any follow-up tasks to be completed by the youth or member of the treatment team. The completed form shall be signed and dated by the youth and the foster parent; and
- (5) The “Post-Care Plan” Form 1984 (~~Jan~~February 20~~2015~~), 30 days prior to the youth’s 18th birthday, or within 30 days of the youth’s planned discharge if the youth will not discharge upon the youth’s 18th birthday. The completed form shall be signed and dated by the youth and the youth’s CPSW or JPPO.

(e) A foster parent certified for the adolescent care credential shall complete necessary documentation as follows:

- (1) Track daily living skill acquisition, and school and employment attendance;
- (2) By the ~~tenth~~-10th of each month, complete and submit to the CPSW or JPPO a written monthly report on the progress of the youth towards the goals established in the “Adult Living Preparation Plan,” Form 1695 (January 2015-); and
- (3) For each calendar month, complete a Form 1969 “Monthly National Youth in Transition Database (NYTD) Checklist” (~~February~~January 20~~2015~~) and submit to the CPSW or JPPO, documenting support provided for the NYTD categories as follows:
 - a. Academic support;
 - b. Budget and financial management;
 - c. Career preparation;
 - d. Employment programs and vocational training;
 - e. Family support and healthy marriage education;
 - f. Health education and risk prevention;
 - g. Housing education and home management;
 - h. Mentoring; and
 - i. Post-secondary educational support.

(a) DCYF shall certify, a foster parent in compliance with He-C 6446, for the supplemental care credential for a child already in ~~their~~ his or her care, when ~~they~~ he or she demonstrates the child's behaviors, conditions, and needs require a level of care that exceeds general care or specialized care.

(b) The areas shall be related to the child's assessed behaviors, conditions, and needs, and to the resources that the foster parent shall be required to bring to the care of the child in placement, in accordance with ~~their~~ his or her case plan.

(c) In order to qualify for supplemental care the assessed child behaviors, conditions, and needs shall include a gap in at least one of the following criteria:

(1) Behavior towards self, others, and animals, and role performance which includes but is not limited to an assessment of:

- a. The child's overt, daily actions toward self and others;
- b. The child's age and developmental stage; and
- c. The type and degree of trauma experienced by the child;

(2) Medical, psychological, and developmental complicating condition which includes an assessment of the child's physical, emotional, and psychological well-being;

(3) Caregiver resources, including an assessment of the knowledge, skills, and abilities of the foster parent to meet the needs of the child; ~~and~~

(4) The extent of required visitation between the child, parent, or others to achieve reunification or another permanency goal; ~~or-~~

(5) Accessible community resources.

(d) The daily stipend to a foster parent certified for supplemental care credential shall be directly related to the estimated out-of-pocket costs to the foster parent in order to meet the needs of the child or expectations of the case.

He-C 6347.1309 Certification Process For Foster Family Care Credentials.

(a) All foster parents shall be licensed prior to seeking certification for a foster family care credential.

(b) Foster parents shall contact a DCYF resource worker or designee and request to be certified after completing the prerequisite training requirements.

(c) If a foster parent's license is managed by a child-placing agency other than DCYF, the agency shall contact the foster care manager with the request to be certified on behalf of the foster parent who has completed the prerequisite training requirements.

He-C 6347.140 Length of Certification. Certification for a credential shall expire at the same time as the existing foster care license expiration, unless the license and credential are renewed pursuant to He-C 6446.15 and He-C 6347.15 respectively.

~~(a) The length of initial certification shall be for the duration of the foster care license.~~

~~(b) Certification shall be valid for no more than 2 years from the date of licensing for all foster parents unless voluntarily relinquished or terminated.~~

He-C 6347.1~~51~~ Renewal of Certification.

(a) Pursuant to RSA 170-E:32, a foster parent shall file for renewal of the license 3 months prior to the expiration date of the foster family care license.

(b) The foster parent shall ~~complete and submit an application “Foster Care/Adoption Application” Form 1715, (February 2007) for renewal of their foster family care license pursuant to He-C 6446.15 and verify ongoing training requirements for request~~ continued certification of the foster family care credential ~~on the “Foster Adoptive Kinship Provider Enrollment Change” Form 1850 (June 2009) supplied by DCYF.~~

(c) Based on qualifications and performance that conforms to He-C 6347 and He-C 6446, the foster parent’s license and foster family care credential shall be renewed unless closed, denied, or terminated -per He-C 6347 or He-C 6446.

He-C 6347.1~~26~~ Notification of Changes. For the period of certification, the foster parent shall notify DCYF in writing of any changes, pursuant to He-C 6446.

He-C 6347.1~~73~~ Billing Requirements for Foster Care Services.

(a) Foster parents shall be certified and enrolled with the foster family care credential prior to billing for the provision of a credentialed service.

(b) The foster parent shall not bill DCYF for services that are to be reimbursed by any other entity.

(c) The foster parent shall accept payments made by DCYF as payments in full for the services it provides.

(d) DCYF shall determine the necessity of care and services and the determination shall be binding on the foster parent.

(e) The foster parent shall notify DCYF of any changes in tax information and complete and submit to DCYF a signed Form “Alternate W-9”- (October 2016) with current tax information.

(f) The foster parent shall provide services or care without discrimination as required by Title VI of the Civil Rights Act of 1964, as amended, and without discrimination on the basis of handicap as required by Section 504 of the Rehabilitation Act of 1973, as amended.

He-C 6347.1~~84~~ Billing Process for Foster Care Services.

(a) DHHS shall issue reimbursements to foster parents for general care, specialized care, assessment care, or adolescent care services provided to a child at the rate established in He-C 6423.

(b) DCYF shall issue board and care invoices to foster parents to submit to DHHS for reimbursement of emergency care and crisis care services provided to a child.

(c) Prior to service delivery for respite care or supplemental care, a foster parent shall complete and submit a “Service Authorization” Form 2110 (June 6/30/2008 edition).

(~~d~~e) Respite care and supplemental care services shall not be paid unless ~~the department~~DHHS receives a signed and dated “Service Authorization” Form 2110 (June 6/30/2008 edition) from the foster parent.

(~~e~~d) When requesting a stipend for respite care or supplemental care services, a foster parent shall:

(1) Copy the "Service Authorization" Form 2110 (~~June 6/30/2008~~ edition) for future billing, if the authorized service dates span a date range; and

(2) Forward the completed and signed "Service Authorization" Form 2110 (~~June 6/30/2008 edition~~) to ~~the department~~ DHHS, ~~including certification that the service was provided as specified and that the service claimed is an original claim.~~

(~~e~~) The handwritten signature in (~~e~~) (2) above shall be submitted to DHHS and shall certify that the foster parent agrees:

(1) The billing was completed in accordance with this section;

(2) The invoice includes only the days and overnight~~se hours~~ for which services were provided;

(3) The billing is true and accurate; and

(4) Any payment made for inaccurate or fraudulent billing will be recovered by DHHS.

He-C 6347.1~~95~~ Billing Period.

(a) A foster parent shall bill within one year of service provision.

(b) Any bill received for payment one year after service date shall be denied pursuant to RSA 126-A:3.

(c) A foster parent shall submit bills at least on a monthly basis.

He-C 6347.~~2046~~ Billing Discrepancies. Foster parents who have a billing discrepancy shall contact the provider relations' staff of ~~the bureau of administrative operations in DCY~~ DHHS's office of finance for assistance.

He-C 6347.~~217~~ Quality Assurance Activities.

(a) The foster parent shall submit to a biennial review to determine the quality of services pursuant to RSA 170-G:4 XVIII which includes, but is not limited to:

(1) The foster parents continued compliance with He-C 6446 and He-C 6347;

(2) Services provided to the child;

(3) The outcomes achieved for the child in care;

(4) Progress towards the child's permanency goals;

(5) An interview with foster parents; and

(6) An interview with the child in care, if age appropriate.

(b) The biennial review described in (a) above shall coincide with the renewal date of the foster parent's foster family care license.

He-C 6347.~~2248~~ Waivers.

(a) Foster Parents who request a waiver of requirement in He-C 6347 shall submit a written request to the commissioner of the department of health and human services or his or her designee, which includes the following:

- (1) The reason for requesting the waiver of the requirement in a specific credential;
- (2) The anticipated length of time the requested waiver will be needed;
- (3) Assurance that if the waiver is granted the quality of service and care to children, youth, and families will not be affected;
- (4) A written plan to achieve compliance with the rule or explaining how the foster parent will satisfy the intent of the rule if the waiver is granted;
- (5) The number and ages of children who will be affected by the requested waiver; and
- (6) The signature of the person requesting the waiver; ~~and~~
- ~~(7) A statement that the rule for which a waiver is being requested is not related to compliance with the life safety code or environmental health and safety issues, unless approved in writing by the fire inspector, local health officer, or public health services.~~

(b) A CPSW or JPPO shall request a waiver on behalf of a foster family if a specific credential is needed to adequately provide for the needs and circumstances of a specific child or sibling group.

(c) Request for a waiver of any of the provisions of RSA 170-E, or any other rules referred to in this part or of any other state agencies shall not be permitted.

(d) Request for a waiver shall be denied when:

- (1) The request does not comply with (a) above;
- (2) The department finds that approval of the requested waiver will jeopardize the health or safety of the child(ren) in care;
- (3) The department finds that approval of the requested waiver will impair the foster parent's ability to adequately care for the child(ren) in care; or
- (4) The department finds that the written plan described in (a)(4) above does not satisfy the intent of the rule as an alternative to complying with the rule.

He-C 6347.2319 Denial or Termination of Credential Certification. A request shall be denied or credential terminated if:

- (a) The foster parent is no longer licensed pursuant to He-C 6446;
- (b) The foster parent or the individual acting on the foster parent's behalf, submits materially false information to DCYF; or
- (c) There has been a failure by the foster parent to comply with He-C 6446 or He-C 6347.

He-C 6347.240 Notification of Denial or Termination.

(a) If DCYF denies application request for certification or terminates an existing foster family care credential, DCYF shall send notice of the denial or termination to the foster parent by certified mail.

(b) The notice shall:

- (1) Inform the foster parent of the facts or conduct upon which DCYF bases its action;

(2) Advise the foster parent of their right to request reconsideration of DCYF's decision through informal dispute resolution pursuant to He-C 6347.2~~51~~; and

(3) In the case of an existing certification, inform the foster parent that the termination shall not take effect until the foster parent has had an opportunity through an appeal, pursuant to RSA 170-G:4-a and He-C 6347.2~~62~~, to show compliance with all lawful requirements for retention of the credential.

He-C 6347.2~~51~~ Request for Informal Dispute Resolution.

(a) DCYF shall offer an opportunity for informal dispute resolution to any foster parent who disagrees with a denial or termination of a credential, provided that the foster parent submits a written request for an informal dispute resolution:

(1) The informal dispute resolution shall be requested in writing by the foster parent no later than 14 days from the date the notice was issued by DCYF;

(2) DCYF shall review the evidence presented and provide a written notice to the foster parent of its decision; and

(3) An informal dispute resolution shall not be available for any foster parent against whom DCYF has initiated action to revoke a license or deny a renewal license.;

(b) The foster parent may appeal DCYF's decision pursuant to He-C 6347.2~~62~~.

He-C 6347.2~~62~~ Appeals.

(a) Administrative appeals of ~~department~~ DHHS decisions to terminate or deny a foster family care credential shall be conducted in accordance with RSA 170-E:37, RSA 541-A, He-C 200, and this section.

(b) Appeal requests shall be filed within 10 days of the date of the notice of action.

(c) Parties to any administrative hearing who are aggrieved by the decision of the departmental hearings officer may request a reconsideration in accordance with He-C 206, or may file an appeal of the decision with the superior court, in accordance with the provisions of RSA 170-E:37.

(d) Parties who are aggrieved by the decision of the hearings officer to deny the request for a reconsideration, or with the hearings officer's decision after a rehearing has been conducted, may appeal the decision to the superior court, in accordance with the provisions of RSA 170-E:37.

APPENDIX

Rule Section	Specific State or Federal Statute the Rule Implements
He-C 6347.01	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.02	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.03	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.04	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:27; RSA 169-C:29-30
He-C 6347.05	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:25
He-C 6347.06	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.07	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.08	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.09	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.10	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.11	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34; RSA 170-E:53
He-C 6347.12	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.13	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.14	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:31
He-C 6347.15	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:32
He-C 6347.16	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34
He-C 6347.17	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.18	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.19	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 126-A:3
He-C 6347.20	RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6347.21	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:42
He-C 6347.22	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 541-A:22,IV
He-C 6347.23	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:35
He-C 6347.24	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:36
He-C 6347.25	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E: 36;
He-C 6347.26	RSA 170-G:4, XVIII; RSA 170-G:5; RSA 170-E:34,I(e); RSA 170-E:35-37