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Licensing of Permanent Family Residences

Sec. 17a-155-1. Definitions

As used in Sections 17a-155-1 to 17a-155-35, except as otherwise provided therein:

(a) “Commissioner” means the Commissioner of the Department of Children and Families hereafter referred to as the “Department.”

(b) “Permanent family residence” Means two adult persons, or upon the approval of the Commissioner one adult person, agency, association, corporation, institution, society, or other organization licensed by the Department to provide permanent care to handicapped children in a home environment and family setting.

(c) “Handicapped” means a physical disability which would, under ordinary circumstances, require long-term hospitalization or institutionalization.

(d) “Parents” Means the adult persons or upon the approval of the Commissioner one adult person providing permanent family residence services.

(e) “Child” means a person under eighteen years of age not related to the parents of a permanent family residence.

(f) “Related” means a relative, by blood, marriage or adoption descended from a common ancestor not more than three generations removed from said child.

(Effective February 1, 1994)

Sec. 17a-155-2. Bed capacity

The number of children to be cared for shall be determined by the Department and shall consider the physical aspects of the home and the capacity of the parents providing the care. When state statutes, administrative regulations or local ordinances limit the number of children to be cared for, such number shall be the maximum.

(Effective February 1, 1994)

Sec. 17a-155-3. Types of licenses to be issued

All adult persons, agencies, associations, corporations, institutions, societies, or organizations applying for licensure shall do so on forms prescribed by the Department. Licensure shall be for a maximum period of one year and renewed annually.

(Effective February 1, 1994)

Sec. 17a-155-4. License not transferable or assignable

A license to care for or board a child shall be issued to the applicant for which application is made and for the address shown on the application and shall not be transferable or assignable.

(Effective February 1, 1994)

Sec. 17a-155-5. Display of license

Each permanent family residence shall prominently display the license on its premises and show it upon request of any concerned person or organization.

(Effective February 1, 1994)

Sec. 17a-155-6. Department access to premises

Each license shall be conditioned on the granting to the Department, unrestricted access at any reasonable time to the premises described on the license.

(Effective February 1, 1994)

Sec. 17a-155-7. Interstate placement of children

All permanent family residences licensed under this Section shall comply with all state laws regarding the interstate placement of children prior to accepting

placement of a child from out-of-state in accordance with Sections 17a-152, 46b-151 et seg. and 17a-175 through 17a-182 of the Connecticut General Statutes.
(Effective February 1, 1994)

Sec. 17a-155-8. Consultation with licensee

Except as provided in Section 17a-155-9 the Department shall make every effort to consult with the licensee to achieve compliance with these regulations.
(Effective February 1, 1994)

Sec. 17a-155-9. Refusal or revocation of license

A license shall be denied, revoked, limited or its renewal refused for any of the following causes whenever, in the judgment of the Department, the permanent family residence:

- (a) Fails to comply with the requirements prescribed by the Department under Section 17a-155-1 through Section 17a-155-35;
- (b) Fails to comply with applicable federal, state and local laws, ordinances, rules and regulations;
- (c) Violates any of the provisions or conditions under which the license was issued;
- (d) Furnishes or makes any false or misleading statements in order to obtain or retain a license;
- (e) Refuses to submit reports or make its records available when requested by the Department;
- (f) Fails or refuses to admit the Department to its premises at any reasonable time for the purpose of inspection, review and supervision;
- (g) Has parents or employees who have been convicted of a felony as defined in Section 53a-25 of the Connecticut General Statutes, cruelty to persons under Section 53-20 of the Connecticut General Statutes, injury or risk of injury to or impairing morals of children under Section 53-21 of the Connecticut General Statutes, abandonment of children under the age of six years under Section 53-23 of the Connecticut General Statutes, or has a criminal record that the Department reasonably believes renders the person unsuitable to own, conduct, operate or maintain or be employed in a permanent family residence. However, no denial, revocation, limitation or refusal of a license shall be rendered except in accordance with the provisions of Sections 46a-79 to 46a-81, inclusive, of the Connecticut General Statutes. Permanent family residence parents shall notify the Department of any criminal conviction of himself/herself or of any person employed therein in a position connected with the provision of services to children immediately upon obtaining knowledge of the conviction. Failure to comply with the notification requirement may result in the suspension or revocation of the license.
(Effective February 1, 1994)

Sec. 17a-155-10. Hearing on denial, revocation or limiting of license

Any permanent family residence licensee may within 15 days after receipt by certified mail of notice of refusal to renew, intended revocation or the limiting of a license, request an administrative hearing thereon in accordance with the Uniform Administrative Procedure Act, Chapter 54, Connecticut General Statutes, Section 4-182c. Revocation, denial of renewal or limiting of a license shall be stayed until such hearing is held. In the absence of such request for a hearing during this time period, the license shall either be revoked or not renewed. Applicants for initial licensure who are aggrieved by the refusal of the Department to issue a license may

request a hearing thereon by putting such request in writing to the Department within 15 days of receipt by certified mail of the Department's decision to deny a license.

(Effective February 1, 1994)

Sec. 17a-155-11. Suspension of license

If the Department finds that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(Effective February 1, 1994)

Sec. 17a-155-12. Return of license to the department

Upon discontinuance of the service licensed or revocation of the license, the license shall be returned to the Department within 14 days after receipt of such request.

(Effective February 1, 1994)

Sec. 17a-155-13. Waiver provision

A permanent family residence shall comply with all relevant regulations unless a waiver for specific requirement(s) has been granted through a prior written agreement with the Department. This agreement shall specify the particular requirement(s) to be waived, the duration of the waiver, and the terms under which the waiver is granted. Waiver of specific requirement(s) shall be granted only when the permanent family residence has documented that the intent of the specific requirement(s) to be waived will be satisfactorily achieved in a manner other than that prescribed by the requirement(s). When the permanent family residence fails to comply with the waiver agreement in any particular, the agreement shall be subject to immediate cancellation.

(Effective February 1, 1994)

Sec. 17a-155-14. Permanent family residence

The parents must occupy and provide permanent family residence care in their principal residence which must be a building which is designed for residential use by one or two families and which is:

(a) owned or leased by the parents, or is

(b) owned or leased by a non-stock corporation, one of whose purposes is to protect handicapped children in a home environment and family setting.

(Effective February 1, 1994)

Sec. 17a-155-15. Construction

The plans and designs for all new construction, additions to or substantial modifications of buildings or parts of buildings used or to be used in the operation of the permanent family residence shall be submitted to the Department for review before such construction is contracted for or begun. The Department shall determine if the proposed plans are in compliance with the intent of these regulations within 30 days.

(Effective February 1, 1994)

Sec. 17a-155-16. Determination of fire safety

A determination of fire safety shall be established for all permanent family residences. Fire safety measures shall be established as required by the Department, local and/or state fire marshals. These measures shall include but not necessarily be limited to the following:

(a) All floors shall have two approved means of egress which are remotely located, safe, unobstructed, and well lighted.

(b) Each room used for sleeping purposes shall take into consideration the disability of each child in the room.

(c) All nonambulatory, blind, or deaf children shall sleep in bedrooms located on a floor with direct access to the ground level.

(d) Children under the age of five shall sleep on the same floor and in close proximity to the parents unless protected by a monitoring system approved by the Department.

(e) Smoke detectors (ionization type and battery operated) shall be installed in designated locations, including each bedroom or in the bedroom area.

(f) Fire extinguishers and emergency lighting shall be placed in designated locations.

(g) Emergency evacuation plans shall be established and practiced at least quarterly with the children. Periodic fire drills will be conducted by the parents and a predetermined assembly area away from the home established.

(h) An emergency evacuation plan shall be established with the local fire department to assure that a course of action, in case of fire, will be established, understood, and determined to be workable in the event of an emergency.

(Effective February 1, 1994)

Sec. 17a-155-17. Physical plant requirements

(a) Sharing of bedrooms should be based upon a consideration of the children's age, sex, developmental level, disability, and required medical care. Preferably, no child three years of age or older shall share a bedroom with another child of the opposite sex or with any adult person.

(b) No more than four children including the parents' own children shall sleep in the same room.

(c) The home and furnishings shall be clean, comfortable, and in good repair.

(d) The home and grounds shall be reasonably free from anything that would constitute a hazard to children. Peeling indoor and outdoor house paint accessible to the children must be determined to be non-toxic. Equipment used by the children shall not be painted or covered by any material which is poisonous.

(e) There shall be sufficient indoor and outdoor space, ventilation, toilet facilities, light and heat to ensure the health and comfort of all members of the household.

(f) All auxiliary heating systems shall comply with state and local building codes.

(Effective February 1, 1994)

Sec. 17a-155-18. Permanent family residence parents

At the time the initial license is issued, the permanent family care must be provided by two adult persons, or upon the approval of the commissioner one adult person, who may, but need not, have children other than foster children living with them. If one parent dies or if the parents divorce or otherwise separate, the Department shall consider whether it is necessary to change the status of or revoke the license.

(Effective February 1, 1994)

Sec. 17a-155-19. Occupation of parent

The principal occupation of at least one parent and, in appropriate cases to be determined by the Department, both parents must be able to provide direct and regular care to the children placed in their residence. Whenever both parents must

be away from home at the same time, a competent adult shall be left in charge or other suitable arrangements made for the care of the children.

(Effective February 1, 1994)

Sec. 17a-155-20. Medical examination

Prospective parents and other members of the household shall be free of communicable disease, physical or mental infirmities which would interfere with their ability to care for children, and shall submit proof thereof from a licensed physician or his designee at the time of original licensure and at any subsequent time the Department suspects there is a serious illness with any member of the family.

(Effective February 1, 1994)

Sec. 17a-155-21. Communicable diseases

Parents shall notify the Department whenever they or a member of the family contract a communicable disease or if they develop a physical or mental infirmity which may interfere with their child-caring ability.

(Effective February 1, 1994)

Sec. 17a-155-22. Income

The licensee shall have an income sufficient to meet family needs. Monies received for the board and care of handicapped children may be the source of support for family members. The licensee shall maintain financial records showing the amount and source of all income and expenses, expenditures, assets and liabilities related to their operation which shall be made available to the Department upon request.

(Effective February 1, 1994)

Sec. 17a-155-23. Governing board

If incorporated, the governing board shall be legally constituted and shall manage its affairs in accordance with applicable provisions of law, its certificate of incorporation, and its duly adopted by-laws. The board shall meet at least with the frequency specified in the corporation's by-laws and keep minutes of each meeting which shall be made a part of the permanent records of the licensee. Minutes of the discussion of those matters relating to the licensee's operation shall be made available to the Department upon request.

(Effective February 1, 1994)

Sec. 17a-155-24. Requirements relative to parents

(a) Parents and other members of the household shall be emotionally healthy and of good character, habits, and reputations.

(b) Parents shall be capable of providing:

(1) Care, guidance, and supervision of the child, including the handling of emergency situations involving the child. All permanent family residences shall have a working telephone with emergency numbers posted in an easily visible location. The Department shall be notified immediately of any change in telephone number. The parents shall establish plans to respond to illness and emergencies, including serious injury and ingestion of poison. Any child showing suspicious signs of illness shall be isolated from other children as much as possible and the guardian called immediately. Appropriate first-aid supplies shall be available in the home out of reach of the children. Written permission for health care of the child, except for emergency health care, must be obtained from the guardian. Instructions must be obtained from the child's physician if medications are to be administered by the parent. Medications must be kept in labeled containers out of reach of children.

Parents may use discretion in allowing children to administer their own medication provided the child's physician and guardian concur. Permission for self-administration shall be based upon the child's age, maturity level, disability, and required medical care.

(2) For or arranging necessary routine medical care.

(3) Adequate opportunities for recreational, cultural, and educational activities both within the family and in the community.

(4) The child with the opportunity for religious training appropriate to the child's religious denomination.

(5) For the child to receive an appropriate educational program.

(6) For the child's physical needs. These include adequate nutritional meals and snacks prepared in a safe and sanitary manner; readily available drinking water; a balanced schedule of rest, active play indoor and outdoor activity appropriate to the age and capacity of each child. Parents shall establish a planned program of developmentally appropriate activities which promotes the social, intellectual, emotional, and physical development of each child.

(7) Assigned duties to the child on the basis of the child's age and abilities and establishment of a daily routine to promote sharing of family responsibilities.

(Effective February 1, 1994)

Sec. 17a-155-25. Contact with biological parents

Parents shall accept and cooperate with arrangements made for the child to have contact (visits, correspondence, etc.) with the biological family with the frequency as indicated by the guardian as appropriate, and identified in the child's treatment plan.

(Effective February 1, 1994)

Sec. 17a-155-26. Child's plan

Parents shall comply with the guardian's plan for the child and work cooperatively with the guardian in all matters pertaining to the child's welfare.

(Effective February 1, 1994)

Sec. 17a-155-27. Roomers or boarders

Parents shall not have roomers or boarders or take other children from another department on a private basis without approval from the Department. In no case shall they accept a greater number of children than their licensed bed capacity.

(Effective February 1, 1994)

Sec. 17a-155-28. Water supply, sewage and garbage facilities

Water supply shall be adequate and safe. If the home is not served by public water supply, the water shall be analyzed and approved by the state or local department of health or by a private water-testing laboratory approved by the State Department of Health Services at the time of initial licensure and at any subsequent time the Department deems such testing is necessary. Adequate sewage and garbage facilities shall be maintained.

(Effective February 1, 1994)

Sec. 17a-155-29. Milk

If milk or milk products provided by the home for consumption by the children in care are not pasteurized, the parents must submit to the Department proof that the milk or milk products are licensed by the State Department of Agriculture.

(Effective February 1, 1994)

Sec. 17a-155-30. Clothing

The child's clothing shall be kept clean and in good condition. Provision shall be made for the safe storage of the child's clothing and personal possessions.

(Effective February 1, 1994)

Sec. 17a-155-31. Privacy

Each child shall be afforded privacy relevant to his growth and development.

(Effective February 1, 1994)

Sec. 17a-155-32. Abuse of children. Discipline

Parents shall give children humane and affectionate care. They shall establish limits and assist children to develop self-control. Discipline shall be appropriate to the child's age and level of development. Parents shall not use abusive, neglectful, corporal, humiliating, or frightening punishment in any area, including toileting, feeding or sleeping practices. If it is necessary to use restraints, they must be appropriate to the circumstances.

(Effective February 1, 1994)

Sec. 17a-155-33. Children not to be used for fund-raising

The licensee shall not require or permit children in its care to solicit funds for the permanent family residence or be identified by name in photographs or in any other manner in its fund-raising material and activities or in public relations unless legally sufficient waivers are obtained.

(Effective February 1, 1994)

Sec. 17a-155-34. Unauthorized absences

Unauthorized absences of a child in care shall be reported as soon as practical by telephone, or not later than the next working day, to the Department followed by a written report within a reasonable period of time. When such absences occur outside of normal working hours, as on weekends and holidays, and the Department cannot be notified, the parents shall also report absences to the police.

(Effective February 1, 1994)

Sec. 17a-155-35. Reporting to the department

Parents shall report in writing to the Department, immediately or no later than on the next working day, any circumstances which alter the services as originally licensed, or statement of fact in the application for license. The parents shall also report to the Department immediately by telephone, or no later than the next working day, any serious injury or death of a child in case of any fire in the home. This shall be followed up in writing within a reasonable period of time.

(Effective February 1, 1994)