

**TITLE 24. FOSTER HOME LICENSING STANDARDS**

**TABLE OF CONTENTS**

CHAPTER 1. Family Qualifications ..... 1  
SECTION 24-1-1 Family Composition ..... 1  
SECTION 24-1-4 Personal Qualifications ..... 2  
SECTION 24-1-5 Health Qualifications ..... 2  
CHAPTER 2. DUTIES ..... 3  
SECTION 24-2-1 Duty to Cooperate with the Licensing Agency (Tribe/State) and the Natural  
Parents ..... 3  
CHAPTER 3. CONFIDENTIALITY ..... 3  
SECTION 24-3-1 Confidentiality and Children’s Records ..... 3  
CHAPTER 4. DEVELOPMENTAL CRITERIA ..... 4  
SECTION 24-4-1 Care and Development of the Child ..... 4  
SECTION 24-4-2 Other Activities ..... 5  
SECTION 24-4-3 Education ..... 6  
SECTION 24-4-4 Safety and Home Environment ..... 6  
SECTION 24-4-5 Transportation Safety ..... 7  
SECTION 24-4-6 Issuance, Suspension, Termination and Revocation of License ..... 7  
SECTION 24-4-7 Training ..... 8  
SECTION 24-4-8 Types of Foster Care ..... 8

# OMAHA TRIBAL CODE (2003)

## TITLE 24. FOSTER HOME LICENSING STANDARDS

*Source:* Ordinance No. 04-98 of the Omaha Tribal Council (9-23-04).

### CHAPTER 1. FAMILY QUALIFICATIONS

#### SECTION 24-1-1 Family Composition

- (a) Two parents of either or same sex are preferred in most cases; however, a single parent may be selected if she/he can effectively fulfill the needs of the child.
- (b) The presence of other children (either the foster parent(s) own or foster), and other adults (i.e. grandparents, aunts, etc; or unrelated persons) shall be taken into consideration in terms of how they may be affected by or have an effect upon another child.
- (c) The number and ages of children in the home (both the foster parent(s) own and foster) shall be considered on an individual basis, taking into account the foster parent(s) ability to meet the needs of all children present in the home, physical accommodations of the home, and especially the effect which an additional child would have on the family as a unit. It is preferable that:
  - (1) Foster parent(s) shall care for not more than two infants (under two years of age), including the foster parent(s) own children.
  - (2) Foster families shall not have more than a total of six children, including foster children and foster parent(s) own children, in the foster home. Exceptions may be made in order to keep siblings together.
  - (3) The age range of the children in the foster home shall be similar in order to lessen competition and comparisons.
  - (4) All placement situations shall consider the effect of having some children in the foster home whose parent(s) visit them and other children whose parent(s) do not.

#### SECTION 24-1-2 Employment and Income

- (a) While employment of foster parents outside the home the home is desirable, in two parent homes it is preferable, in most instances, that both foster parents shall not be employed outside the home so that one parent is available for the parenting that the child requires. The Department shall make decisions regarding such situations on the basis of what is in the best interest of the child and what is available.
- (b) When both parents in a two parent home work, and when single parents are employed; it is preferable that the home be used for school aged children, and only when there are suitable plans (approved by the Department) for care and supervision of the child after school and during the summer while parent(s) are at work.
- (d) Applicants must demonstrate that they generate an income sufficient to meet the needs of the family and ensure their own stability and financial security independent of any foster care maintenance payment.

#### SECTION 24-1-3 Background Checks and Criminal History

- (a) Applicants and members of the household shall be cleared with the Tribal and State Central Registry of abused and neglected children, incompetent or disabled adults, sexual offenders, and domestic violence offenders.
- (b) Applicants who have had substantiated allegations of child abuse or neglect will not

## OMAHA TRIBAL CODE (2003)

be eligible to receive a foster care license. The Tribe may make an exception if, after evaluating circumstances of the allegation, it is determined that the applicant's circumstances have changed such that they would no longer place children at risk of abuse or neglect, or that the nature of the allegation does not constitute a reason to deny a foster care license to an applicant. Applicants who have unconfirmed allegations of child abuse or neglect against them may also be denied a license at the Tribe's discretion.

(c) Prospective foster parents and members of the household 18 years of age and older shall consent to a criminal record check, including an FBI fingerprint check. The Tribe may require a criminal record check for any other individual having regular contact with children placed in the foster home. Unless otherwise stated, prospective foster parents and members of the household must provide fingerprints for the purpose of a criminal record check.

(1) Applicants for foster care shall consent to a juvenile delinquency check of any minors living in the home, aged 16 and up.

(2) The Tribe will not issue or renew a license if a member of the household has had a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), for a crime involving violence, including rape, sexual assault, or homicide, or for a drug-related offense. For purposes for this paragraph, felony will include convictions under the Federal Major Crimes Act, a Class 'A' conviction under Title 5 of the Omaha Tribal Code, or any conviction under Title 11 of the Omaha Tribal Code.

(3) When considering eligibility for a foster care license in relation to a criminal history, the Tribe may take into account the time elapsed since the offense, the circumstances surrounding the crime as they relate to the probability of committing future offenses, any successful rehabilitation of the offender (including counseling, therapy, reparations and education), and the relationship between the offense and the ability to be a foster parent.

(4) Additionally, the Tribe will not issue or renew a foster care license if, within the last five years, a member of the household has had a felony conviction for physical assault, battery, or a drug-related offense.

(5) Foster families shall provide three favorable character references.

### **SECTION 24-1-4 Personal Qualifications**

(a) In considering Indian foster parents, the primary consideration should be the parents' capacity to provide love and understanding to a child or children in duress.

(b) Foster parents shall exercise reasonable judgment in caring for children.

(c) The age of foster parents shall be a consideration only as it affects their physical capability, flexibility and ability to care for a specific child. Foster parents shall be responsible, stable, emotionally mature adults, and generally should be at least age nineteen.

(d) Foster parents shall not engage in or have a history of behaviors that would injure or alter the health or morals of a child, or be currently abusing drugs or alcohol.

(e) Foster parents shall be able to utilize effective discipline and child-rearing practices, including Omaha traditional practices, which will assist foster children in their development.

(f) Foster parents shall have supportive ties with family, friends and community.

### **SECTION 24-1-5 Health Qualifications**

(a) Foster parents and any person in the household responsible for caring for the children shall mentally and physically be able to provide care and supervision and to perform the duties of foster parents as prescribed in these rules.

(b) Foster parents shall provide a written statement from a physician regarding foster

## OMAHA TRIBAL CODE (2003)

parents' and their children's general health, specific illnesses, or disabilities. Reports should confirm that foster parents are physically capable of caring for children. Foster parents shall also submit a written report verifying that all adults and children in the home have taken tuberculin tests and have been found free of disease; other tests may be required as indicated. Applicants shall supply psychological, psychiatric, medical, sex offender, chemical dependency, and any other reports and evaluations to the Tribe upon request.

(c) After licensing, a new self-certifying health report must be provided annually.

(d) Physical handicaps of foster parents shall be a consideration only as it affects their ability to provide adequate care to foster children or may affect an individual child's adjustment to the foster family. Cases shall be evaluated on an individual basis with the assistance of a medical consultant when indicated.

### CHAPTER 2. DUTIES

#### SECTION 24-2-1 **Duty to Cooperate with the Licensing Agency (Tribe/State) and the Natural Parents**

(a) Applicants shall comply with all reasonable requests by the Licensing Agency in the licensing process, and any ongoing monitoring of their homes after licensing.

(b) The foster parents shall cooperate with the Licensing Agency in developing and implementing a child's service plan and executing all court orders regarding the child, including orders for reunification with the child's parents or an alternate permanent plan.

(c) Foster parents shall notify the Licensing Agency immediately if the child should suffer an injury, serious illness, accident, or any unusual circumstances that may threaten the health, safety, physical or emotional well being of the foster child.

(d) Foster parents shall notify the Licensing Agency if any condition arises in the household that could interfere with proper care of the foster child, or could otherwise threaten the health or emotional safety of the child, including any criminal convictions or charges as listed in Section 24-1-3(c)(2).

(e) During and after licensing, foster families shall keep the Licensing Agency informed of any changes in their status, including employment, number of children and adults in the home, and any change of address or telephone number.

(f) Foster parents shall allow the Licensing Agency reasonable access to their home and to the children placed in their care.

(g) In accordance with the case plan, foster parents shall:

(1) Respect and support the child's relationship with his or her parents, extended family members, including siblings, and with the Licensing Agency.

(2) Assist the Licensing Agency in planning visits with the child and his/her parents and extended family members; and

(3) Allow the child reasonable opportunities to communicate with his or her parents and/or extended family members.

### CHAPTER 3. CONFIDENTIALITY

#### SECTION 24-3-1 **Confidentiality and Children's Records**

(a) In accordance with federal, state and tribal laws, the foster family shall treat personal information about a child and the child's family in a confidential manner. Confidential information may be disclosed only when necessary to provide for the safety of a child or another

## OMAHA TRIBAL CODE (2003)

person or as required by Tribal, State or Federal law. The information shared must be limited to only what is necessary to comply with this rule. This duty not to disclose confidential information continues to apply after the foster family is no longer providing care to the child.

(b) For the duration of the child's placement, foster parents shall maintain confidential records on the child's physical health and immunizations, significant mental and behavior health issues, and the educational progress of the child, and provide records of such progress to the licensing agency on a regular basis. Within ten days of the termination of the foster care placement, the foster parents shall relinquish such records to the Omaha Adult & Child Protective Services Program.

### **CHAPTER 4. DEVELOPMENTAL CRITERIA**

#### **SECTION 24-4-1 Care and Development of the Child**

(a) Daily Living:

(1) Foster parents shall provide structure for each child, along with materials and activities designed to promote self-esteem and independence skills, and the physical, social, intellectual, spiritual, cultural, and emotional development of the child.

(2) A foster child shall not be required to perform unreasonable work duties not commensurate with his/her age, physical or mental abilities.

(3) A foster child shall be required to perform reasonable work duties such as maintenance of his/her sleeping area and personal property.

(4) Foster children shall be given the opportunity to engage in physical exercise everyday.

(5) Each child in placement shall be treated with respect and dignity.

(6) Foster parents shall respect and encourage the child's self-expression and identity.

(7) Foster parents will not cut a foster child's hair without permission of the Omaha Child Protection Worker.

(b) Alternative Caregivers.

(8) The foster parents shall arrange for safe and responsible child care. Any person charged with the responsibility of caring for a foster child shall be an individual who is capable of assuming foster care responsibilities and is known to be a person of good character.

(9) When the foster parents are absent overnight or longer, a person of at least 18 years of age shall supervise in the home. Foster parents shall not leave foster children for more than 48 hours without first giving notice to the caseworker.

(c) Food and Nutrition.

(10) Foster parents shall provide adequate and nutritious daily meals for foster children

(11) Foster parents shall provide for any special nutritional needs of foster children, including a need for cultural foods.

(d) Clothing and Personal Belongings.

(12) Foster parents shall provide each child with clean clothing appropriate to the season, the child's age, sex, and individual needs, and which is comparable to the local community standards.

(13) A child may wear his/her own clothes so long as they are appropriate and comply with minimum standards of cleanliness.

## OMAHA TRIBAL CODE (2003)

(14) Individual space shall be provided for the child's clothing and personal belongings.

(15) Foster parents shall send all personal clothing and belongings with the children when they leave the foster home.

(e) Discipline and Guidance.

(1) Foster parents shall discipline and guide children using positive, age appropriate techniques that convey acceptance and understanding. These methods shall emphasize encouragement rather than punishment and focus on helping the child develop appropriate behavior.

(2) A foster child shall not be disciplined or punished by physical force, solitary confinement or deprivation of meals.

(3) No foster child or other child in a foster home shall be subjected to physical abuse, sexual abuse, sexual exploitation, neglect, emotional abuse, mental injury or threats of harm.

(4) Foster parents shall not use restraints on children in their care other than car seat belts and normally acceptable infant safety products; unless it is to temporarily protect the safety of the child or another person in the home. If restraints are necessary for this purpose, the foster parent shall immediately notify the Tribe's Protection Safety Worker regardless of the day of the week or time of day.

(5) A foster child shall not be locked alone in a room unless there is a reasonable belief that she/he may cause physical injury to him/herself or others if not locked alone. While the child is locked in a room, she/he must be visited at least every thirty minutes. The confinement shall not continue beyond what is reasonably necessary for the protection of the child and others. The foster parents shall notify the Tribe's Protection Safety Worker as soon as possible if such confinement becomes necessary.

(f) Health Care.

(6) Foster parents shall ensure that health care needs of children placed in their care are met, including scheduling and arranging transportation to medical, dental and counseling appointments as needed.

(7) Foster parents shall promptly obtain necessary emergency medical care for children placed in their home. Foster parents shall obtain permission through the Licensing Agency for major medical decisions, unless the delay caused by doing so would adversely impact the child's safety or well-being in the opinion of a physician.

(8) Foster parents shall be responsible for keeping immunizations current for children placed in their home.

(9) Foster parents shall give children prescription medication only in accordance with a physician's advice.

### **SECTION 24-4-2 Other Activities**

- (a) Whenever possible, the child shall be encouraged and allowed to attend traditional ceremonies of the Omaha Tribe and other cultural activities of the Tribe.
- (b) Foster parents shall provide meaningful opportunities for the child to develop relationships with Tribal members and to learn practices of the Omaha Tribe.
- (c) Foster children shall be allowed to attend the funeral, and activities related to the funeral, of a natural or adopted extended family member.
- (d) Foster parents shall encourage the children to participate in religious activities in accordance with the religious preference of the natural parents, if so requested by the

# OMAHA TRIBAL CODE (2003)

natural parent or child.

## **SECTION 24-4-3 Education**

- (a) Foster parents shall enroll each child of school age in a school within five school days of placement of the child or in accordance with the case plan.
- (b) Whenever possible, the foster child shall be allowed to attend the school in which he/she is enrolled.
- (c) Foster parents shall participate appropriately in the child's educational programs and shall work to assist the child to resolve any difficulties in school. The foster parents shall report any significant educational problems to the Licensing Agency as soon as possible.

## **SECTION 24-4-4 Safety and Home Environment**

- (a) Physical facilities or contents of the foster home shall present no hazard to the safety of the foster child.
- (b) Foster homes shall meet zoning and housing requirements and/or codes as set forth by the Omaha Tribal Council and Omaha Tribal Housing Authority for individual family dwellings.
- (c) Physical standards for the foster home shall be set according to the individual living standards for the community in which the foster home is located; these standards shall be sufficient to assure a degree of comfort which will provide for the well-being of the family and its self-respect in the community in which it resides.
- (d) Comfort and Privacy:
  - (1) It is preferable that no more than two (2) children share a sleeping room.
  - (2) The sharing of sleeping rooms by children by opposite sexes is undesirable, especially for foster children who may be experiencing difficulties in the development of their sexual identities, attitudes, and behavior.
  - (3) Children, other than infants and during emergencies (illness), shall not share sleeping quarters with adults in the household.
  - (4) In all instances when exceptions are necessary, they shall be for children under two years of age or when special cultural, ethnic, or socio-economic circumstances create a situation in which such exceptions will not be to the detriment of the child.
  - (5) Foster family homes shall be accessible to schools, recreation, churches, other community facilities, and special resources (such as medical clinics) as needed.
  - (6) The entire home and premises shall be maintained in a manner that is clean and sanitary in accordance with local community standards.
  - (7) The home shall be well heated, well lit and well ventilated, in accordance with local community standards.
  - (8) The foster family shall have a continuous supply of safe, clean drinking water.
  - (9) Foster parents shall have a telephone or shall have the ability to communicate expeditiously with emergency medical services and the Licensing Agency.
  - (10) Firearms
    - (A) Firearms shall not be stored in the foster home.
  - (11) Foster parents shall have first aid supplies in a place accessible to adults.

## OMAHA TRIBAL CODE (2003)

(12) Foster parents shall have easily accessible and safe emergency access and escape in each room.

(13) Foster parents shall install and maintain working smoke alarms in every room in which a foster child sleeps and at least one on each floor of the home.

(14) A foster home shall have one class 2-A-10BC rated fire extinguisher in the house, or demonstrate that there is a system in place to extinguish fires that is satisfactory to the Tribe.

(15) A foster home shall post a diagrammed fire escape plan. This escape plan is to be in an accessible location within the foster home and reviewed every three months with the foster children.

(16) The foster family shall be provided with all available assistance in meeting the licensing requirement, standards and/or codes.

### **SECTION 24-4-5           Transportation Safety**

- (a) Foster parents shall provide or arrange for safe transportation for children in placement to attend school, recreational, cultural and medical activities.
- (b) Foster parents shall maintain all personal vehicles used to transport children in a safe operating condition, in accordance with the standards of the local community.
- (c) Foster parents shall ensure that children use appropriate safety restraints during transport.
- (d) Any person responsible for transporting foster children shall possess insurance and a current license to operate a vehicle in accordance with Tribal or State law, and shall provide such proof to the licensing agency.

### **SECTION 24-4-6           Issuance, Suspension, Termination and Revocation of License**

- (a) The Tribe will not issue or renew a foster care license if any safety rule or other standard required by the Tribe is not met, or if the prospective foster parents falsify the application or supporting documents (including by acts of omission).
- (b) Within 10 days of a request for foster care licensing, the Tribe shall advise the applicant of the information and supporting material required to support the application. Within 45 days of receiving all requested material, the Tribe shall approve or deny the request for a foster care license or request additional material in support of the application. If the Tribe requests additional information, then it shall approve or deny the license within 30 days of receiving the requested information. Any denial shall be accompanied by a concise statement of the grounds for denial.
- (c) Foster parents may terminate their foster care responsibilities to children in their homes only on 30 days written notice to the Tribe and after consultation with the caseworker. The Tribe may waive this notice requirement if such waiver would be in a child's best interests.
- (d) The Tribe may suspend a foster home license because of violation of one or more licensing rules or because of conditions in the home that may render it non-licensable. A notice of suspension must be in writing and must list the violations, along with the actions necessary for compliance, and any services available to assist the foster parents with compliance.
- (e) A license may be suspended for up to 180 days. Children in placement will be removed from homes with a suspended license. No additional placements will be made during the period of suspension.
- (f) Within 30 days of the effective date of the suspension, the foster parents shall submit a written corrective action plan to the Tribe. The plan will include a reasonable timeline to



## OMAHA TRIBAL CODE (2003)

correct the violation, within the 180-day period. This action plan must be approved by the Tribe and signed by both the foster parents and the Tribe. Failure to submit a plan will constitute a withdrawal of the license.

(g) At the end of the suspension period or when the foster parent complies with the plan to remedy the conditions that led to the suspension, the Licensing Agency may reinstate the license for the term of the original certification; issue a new license; or revoke the license.

(h) The Tribe will revoke a foster home license only after one or more of the above steps have been attempted or when child safety concerns warrant an immediate revocation. A notice of revocation shall be in writing and shall state the reasons for revocation. The Tribe may take any action necessary to protect the health, safety and welfare of the foster children, including emergency removal of foster children from a foster home or referral to any law enforcement or other child protective agency or organization to effect such removal.

(i) Foster parents may not appeal the suspension or revocation of their license to any agency, court or governmental body. Providing foster care is a privilege, not a right.

### **SECTION 24-4-7 Training**

(a) Applicants for foster care are required to complete the tribally approved foster parent training curriculum, which includes mandatory review of this Title and other applicable materials, before a license is issued.

(b) Foster parents are required to complete an additional 18 hours of approval training annually.

(c) Foster care licenses shall be valid for two years. Prior to the renewal date, foster parents will be sent a renewal application. Issuance of a license does not guarantee the placement of children in a home.

### **SECTION 24-4-8 Types of Foster Care**

(a) **Emergency Foster Care:** Immediate placement due to a crisis within the child's family structure. Placements are within the same 24 hours of intervention by Child Protective Services.

(b) **Foster Care:** Temporary care of a child who is in need of a safe and caring environment for a to-be-determined period of time.

(c) **Long-Term Foster Care:** Long-term care of a child due to circumstances that prevent a child from returning to their natural home setting.

(d) **Respite Care:** Provides foster care for a child whenever a foster family temporarily cannot provide foster care to the child due to circumstances including, but not limited to emergencies or vacations.