

**FOSTER HOME
STANDARDS AND PROCEDURES**

Of the

Absentee Shawnee Tribe

Prepared By

Foster Care Licensing Committee
Of the
Absentee Shawnee Tribe of Oklahoma

PURPOSE

The purpose and intent of these Foster Care Standards are in accordance with both the Federal Indian Child Welfare Act (P.L. 95-608) and the Oklahoma Indian Child Welfare Act (H.B. 1922). Both these laws recognize the need and desirability of Indian Tribes to establish and regulate foster homes for Indian children.

These Standards are to insure continuity of the child's culture, spiritual values, and family and extended family ties, while providing for the establishment of services, which meet the individual needs of the child. These Standards are responsive to the rights of the sovereign Tribal Government residing within the boundary of Oklahoma.

TRIBAL AUTHORITY TO LICENSE FOSTER HOMES

The Absentee Shawnee Foster Care Licensing Committee has exclusive authority to award Foster Care licenses.

DEFINITIONS

- (1) **INDIAN FAMILY:** A family in which at least one head of household is a member of an Indian Tribe or eligible for membership in a Tribe.
- (2) **INDIAN CHILD:** An unmarried person under eighteen (18) years who is a member, eligible to become a member of an Indian Tribe, or can verify one-quarter (1/4) or more of Indian descendency.
- (3) **FOSTER CHILD:** An Indian child placed for foster care through Indian Child Welfare Program by the authority of the State or Tribal Court.
- (4) **IMMEDIATE FAMILY:** Mother, Father, Brother, Sister.
- (5) **EXTENDED FAMILY:** Extended family may be defined by custom of an Indian child's Tribe, or in the absence of such custom, includes persons who have reached the age of eighteen (18) and are the Indian child's grandparents, aunts or uncles, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or step-parent.
- (6) **INDIAN CUSTODIAN:** Any Indian person who has legal custody of an Indian child under tribal law, or under State law, or those who through informal means have obtained the physical custody of an Indian child from the parents.
- (7) **LEGAL GUARDIAN:** Any individual designated by State or Tribal Court to accept legal responsibility for a minor child.
- (8) **FAMILY COMPOSITION:** Ages, gender, numbers, and relationship within prospective foster family.
- (9) **FOSTER CARE/FOSTER HOME/FOSTER FAMILY:** A family licensed to provide temporary care and nurturance of a child.
- (10) **FOSTER CARE LICENSE:** The document issued by the Foster Care Licensing Committee authorizing an Indian family to provide foster care.
- (11) **TRIBAL LICENSING COMMITTEE:** Unit of the Absentee Shawnee Tribe, which approves license for foster homes.
- (12) **TRIBAL PLACEMENT:** Unit through the Absentee Shawnee Indian Child Welfare Program to place and supervise foster children.

- (13) **TRIBAL COURT:** A court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian Tribe, or any other administrative body of a Tribe which is vested with authority over child custody proceedings
- (14) **HOME STUDY/HOME ASSESSMENT/HOME EVALUATION:** A process by which Indian Child Welfare (ICW) determines if an applicant family meets minimum foster home standards. The process may include, but is not limited to, interviews, home visits, references, a background check, and medical examinations. Home studies are only for Foster Care Placement.
- (15) **PERMANENCY PLAN:** A written plan taken into account the bonding process between (foster and natural) parents of foster child. The plan takes into account any factors influencing the life of the foster child (for example, rehabilitation of natural parents, adoptability of foster child, and availability of foster homes. The plan should include short and long term goals, and actions to be taken within a specific time frame. The desired outcome is a suitable long-term placement which will endure at least until the child reaches the age of majority.
- (16) **CONFIDENTIALITY:** The maintaining of privacy concerning the foster child.
- (17) **PROVISIONAL LICENSE:** Temporary license granted to the foster family to care for specific children. This provision is intended to be used only in special cases and is in no way intended to circumvent the normal foster care licensing and placement procedures. Program should require minimum standards, or progression towards tribal foster care standards in a time frame.

FOSTER CARE LICENSING PROCEDURES

I. Eligibility for Foster Care Licensing

Any Indian family living within or near the area served by the Absentee Shawnee Tribe or any Absentee Shawnee Tribal member living within the State of Oklahoma may apply for licensure as a foster home.

II. Foster Home Assessment

A Foster Home study will be made in accordance with the established procedures of the Foster Care Licensing Committee to determine if the applicants meet the Foster Home Standards. (See page 8)

III. Foster Care License

Once a home study is completed and the applicant's home is determined to meet the Absentee Shawnee Foster Home Licensing Standards, a Foster Care license will be granted to the applicants. In addition, newly licensed Foster Parents with then complete twelve (12) hours of in-service Native American Foster Home training per calendar year on subjects that promote their skills and interests as providers.

Established Foster Parents/Relicensed Parents will complete twelve (12) hours of continuing in-service Native American Foster Home training/refresher training per calendar year. Documentation of the training shall be provided to the ICW department within a month of the training date. Information provided to the ICW department shall include completion certificate and agenda of topics covered within the training.

IV. Refusal to License and/or Issuance of a Provisional License

The Tribal Foster Care Licensing Committee may refuse to license a home. The refusal must be based on an assessment showing that the applicant does not meet the Foster Home Standards. Applicants may reapply, showing that the necessary changes have been made, and they may be reconsidered. An applicant who has been refused a license to provide foster care may be granted a provisional license pending, implementation of the recommended changes. Whenever possible, the Tribal Indian Child Welfare will assist applicants, whose homes do not meet the licensing standards, to make the necessary changes.

V. Foster Care License Renewal

Renewal of licenses will be based on the approval of the Tribal Foster Care Committee dependent upon an evaluation of the Foster Home and its care of children during the last year. New OSBI check, home studies, and medical reports will be necessary for re-licensure of any foster home. License renewal will be on an annual basis, as indicated by the date on the license.

VI. Foster Care Payments

Foster Care payments will be made in accordance with the current Foster Care Agreement between the tribe and the State of Oklahoma and the Foster Parent at the time the child is placed in foster care. Members of extended family may be eligible to receive payment or foster care.

VII. Revocation of Foster Care – Provisional or Special License

Standards of revoking a license must be that continued custody of the child by the Foster Parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Evidence must be supported and presented to the Foster Care Licensing Committee.

VIII. Foster Care Licensing Records

Records shall be maintained on each Foster Home. These records shall include pertinent information gathered during the foster care application and assessment process, a record of foster children placed in the home, Foster Care licensing reviews, and current license status.

FOSTER CARE PLACEMENT PROCEDURES

I. Foster Care Placement Authority

Authority to place an Indian child by Absentee Shawnee Indian Child Welfare may be granted by any of the following:

1. A State court having custody.
2. A Tribal court having custody.

II. Provision for Medical Care

Any Foster Care placement by a Tribal agency shall include a provision granting the Tribal agency the authority to consent to routine and emergency medical and dental care and treatment, including emergency surgery, for the child. Non-emergency treatment of children in DHS or Tribal custody will need to be planned and coordinated with local child welfare worker.

III. Foster Care Case Permanency Plan

At the time of placement, a case plan will be developed by the Tribal Indian Child Welfare program for each child placed in Foster Care the participation of the child and his/her immediate family will be sought in developing the case plan, when appropriate. The case plan shall include “emergency plan” for the child in order to provide a designed program to develop a long-term situation for the child, the first option being his return to the parents, the second option being relative placement, the third option being the child’s adoption, and the fourth option being long-term Foster Care.

IV. Foster Care Review

A case review shall be made at least every six months for every Indian child placed in Foster Care. The child, the child’s parents or custodians, the Foster Parent(s), ICW, and the caseworker are to participate in the Foster Care review, if at all possible. The Foster Care review shall include the following:

1. Assessment of the child’s development and progress.
2. Assessment of the development and progress of the child’s family.
3. Assessment of child’s relationship with his parents or custodians.
4. Assessment of the child’s relationship with his foster family with a Progress Report from the Foster Parents.
5. Review of the foster care case plan.

V. Acknowledgment of Standards and Approval of Foster Home

Upon placement of an Indian child in foster care, the Indian Child Welfare Worker and the foster parent(s) shall acknowledge the following:

1. The U.N. Declaration of the Rights of a Child.
2. The Foster Care Standards and Procedures of the Absentee Shawnee Tribe of Oklahoma.
3. Agency and parent responsibilities.
4. The amount and manner of Foster Care payments, if any.
5. The amount and manner of liability insurance needed, if any.
6. Agency's verification and approval of the Foster Home.

VI. Foster Care Placement Records

All Pertinent Foster Care placement records shall be maintained, with provisions for insuring confidentiality. These records shall include the following:

1. Case plans and reviews.
2. Case summaries, reports and narratives.
3. Court Orders.
4. Medical and dental records.
5. Any other salient information.

FOSTER HOME STANDARDS

I. FOSTER FAMILY

A. Health

Each member of the Foster Home household, or any person who might assist with the care and supervision of foster children, shall be in good health. A physician's report of the Foster Care applicant shall be completed and signed by a licensed physician, stating that the applicants are in good health and free from any physical (illness) which might be detrimental to a Foster Child.

B. Personal Qualities

Prospective Foster Parent(s) shall possess personal qualities of maturity, stability, flexibility, good moral character, ability to cope with stress, capacity to give and receive love.

Relationships within the family shall be such that a wholesome atmosphere for growth of the foster child will be assured. No family member or household occupant shall have a record of child abuse, felony, or any demeanor involving moral turpitude.

C. Age

The biological age of a Foster Parent should be considered in relation to physical condition, flexibility, vitality, maturity, and ability to exercise appropriate authority, supervision, and physical care for specific children. No restriction is placed on upper age level, but an older Foster Parent must have physical and emotional stamina to deal with guidance, care, and protection of children.

D. Income

The foster Parent(s) shall have sufficient income to meet the family's basic needs. This will allow payments for Foster Care to meet the basic needs of the foster child.

E. Employment

Employment, education, and/or training pursuits of Foster Parents are evaluated in regard to the ages and needs of the child(ren) for whom they wish to provide care. When both parents or a single parent are employed, suitable plans for day care and/or supervision of the child after school and during the summer while parent(s) are at work, must be approved by the Absentee Shawnee Indian Child Welfare.

F. Parenting Abilities

Foster Parents' motivation for application should be examined. Attitudes of significant members of the extended family regarding child placement should also be examined. Foster Parents should have the capacity to provide for the foster child's needs while giving proper consideration to their own children and should have a realistic assessment of the positive and negative aspects of foster parenthood, including acceptance of the temporary nature of Foster Care.

When necessary, Foster Parents should have special abilities to care for children with special needs (physical handicaps, emotional disturbances, etc.)

Although families differ in their approach to discipline, harsh physical or verbal or threatening methods are particularly damaging to children in foster care. Discipline should be defined as an overall plan for teaching acceptable behavior, punishment is, more narrowly, negative reinforcement for unacceptable behavior.

G. Visitors (18 yrs or older)

Visitors will be permitted pending notification to the Indian Child Welfare worker, 24 hours prior to the visit. Failure to comply will result in revocation of license.

H. Family Composition

The composition of the foster family will be taken into account in assessing whether the child's needs will be met by such a placement. The presence of other children in the home, either the foster parents' own or other foster children, and related or unrelated adults, shall be taken into account as they may be affected by, or have an effect upon the foster child or children.

I. References

The foster family shall provide names and addresses of those references who can attest to the family's qualifications to become foster parents.

J. Relationship with Tribal Agencies

Foster parents should be able to work with the Indian Child Welfare Worker in making plans for the foster child and in meeting his/her needs. Foster parents should be willing to discuss problems with the Indian Child Welfare worker. Foster parents must be willing to sign and abide by the terms of the Tribal Foster Care Agreement. Foster parents must be willing to have Tribal Indian Child Welfare worker visit the home at any reasonable time or when a problem arises involving a child.

II. FOSTER HOME

A. Safety

The house and premises shall be reasonably clean. The physical facilities of the home must present no hazards to the safety of a foster child. The foster family must have access to emergency services in case of a crisis or develop an emergency plan.

B. Location

The location should be such that the Foster Parent is able to arrange transportation to school, church, recreational functions, funeral, appointments, etc. as needed.

C. Sleeping Arrangements/Personal Space

The foster child shall be provided adequate and appropriate sleeping space, consistent with his need for privacy or personal contact. Space shall be provided for the child's personal possessions. Separate sleeping areas should be provided children over age six who are of the opposite sex.

D. Play Space

Play space, fenced if necessary, shall be available and free from hazards which might be dangerous to the life and health of the child.

III. FOSTER CHILD

A. Daily Routine

A daily routine shall be such as to promote good health, rest, play habits, and positive growth.

B. Resources

The foster family must demonstrate a willingness to cooperate with available resources for the foster child.

C. Religion

Opportunities for satisfying religious and spiritual experiences may be provided through a religious affiliation which does not conflict with the broad religious preference of the child and his family.

D. Nutrition

A balanced and ample diet adjusted to the age, special needs, and physical developments of the foster child shall be provided.

E. Confidentiality

The foster family must demonstrate the ability to maintain confidentiality as it relates to the foster child and the child's biological family.

F. Cultural Heritage

The foster family must demonstrate a willingness to show respect for the child's individual cultural heritage.