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APPROVED: JUAN A. ALBORS
Secretary of State
BY: [signature]
Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF SOCIAL SERVICES
Santurce, Puerto Rico

REGULATION NUMBER 12: TO REPEAL AND SUBSTITUTE FOR REGULATIONS REGISTERED ON APRIL 30, 1975 UNDER NUMBER 1931, FOR THE LICENSING AND SUPERVISION OF FOSTER HOMES PROMULGATED BY VIRTUE OF LAW NUMBER 95 OF 1943 AND BY LAW NUMBER 3 OF FEBRUARY 15, 1955, AMENDEDED.

ARTICLE I. INTRODUCTION

The Commonwealth of Puerto Rico has the responsibility to protect and promote the emotional and physical well being of its children, specially those who must be placed in foster homes. The Department will issue a license to foster homes that comply with requirement established in this Regulations.

ARTICLE II. DEFINITIONS

1. Department - Department of Social Services of the Commonwealth of Puerto Rico.
2. Foster Home - Family home wherein the foster parents take care of not more than 6 children not related to them during 24 hours on a profit or non profit basis.
3. Foster Parent - Married couple or a person licensed to operate a foster home.
4. License - Written permit issued by the Department to a couple or a person, to operate a foster home.
5. Authorized Social Agency - Public or private agency, that places children in foster homes licensed by the Department.
6. Children in Placement or Foster Children - Children situated in foster homes by the Department or by an authorized social agency.

7. Caseworker - Official from the Department who is in charge of licensing and/or supervising foster homes and of providing social services to children in placement.

ARTICLE III. HOUSING FACILITIES REQUIRED TO OBTAIN A LICENSE

Section 1. The house could be located in the urban or rural area that offers reasonable accesibility, to community resources and to the supervision of the Department.

Section 2. The house shall meet the minimum security requirements established by law to saveguard the physical security and the health of the children in placement.

Section 3. The house shall have a supply of drinkable water.

Section 4. The bathroom facilities, latrines included, should meet sanitation stardards.

Section 5. Each child in placement will have his own clean and confortable bed or crib.

Section 6. The Foster Home will provide the children in placement with a place to keep his clothing, toys, books and other personal belongings.

Section 7. Children over 4 years of age and of opposite sex shall occupy separate bedrooms.

Section 8. Children in placement over three years of age shall not occupy bedrooms with adults of the opposite sex or with a married couple., Children will not sleep in the same bed with adults.

Section 9. Children in placement shall only use bedrooms as sleeping quarters; they shall not sleep in bedrooms outside the house unless accompained by a responsible adult.

Section 10. An ordinary sized room shall accomodate a maximum of four (4) children providing bunk beds are used and the bedroom is well ventilated.

ARTICLE IV. ELIGIBILITY REQUIREMENTS, QUALIFICATIONS AND CONDITIONS TO BE OBSERVED BY THE FAMILIES IN ORDER TO OBTAIN OR RENEW A LICENSE.

IV. (A) Requirements and Qualifications:

Section 1. Foster parents and other members of the family should have an amiable nature, good standing, sound character and should be accepted by the community.

Section 2. Foster parents should be able to like and understand children and their needs, and care for them adequately.

Section 3. Each member of the family group shall submit and updated health certificate stating the result of a fluroscopic, Xray chest examination or tuberculosis test and blood tests. Any persona suffering from heart, neurological, renal conditions, diabetes, etc., shall present a certificate from his doctor stating that his or her conditions does not hinder his or her duties as foster parents.

Section 4. Foster parents should be of legal age and shall be in full exercise of their legal rights. There should be a reasonable age difference between foster parents and children in placement and they shall be physically, mentally and emotionally fitted to meet the children's needs and understand their interest, motivations and conflicts.

Section 5. Relations between foster parents must be stable; relations between other members of the family must be satisfactory; and there should not exist personal problems nor irregular situation that could jeopardize the best interest of the children in placement.

Section 6. Foster parents shall have stable and adequate income to cover home basic needs.

IV. (B) Conditions to be observed by Foster Parents

Section 1. Children in place shall be considered as members of the family and will receive equal treatment as the natural children. They will share the pleasure, responsibilities and interest of the family group.

Section 2. Children in placement shall receive adequate medical assistance, in accordance with the individual situation of the foster parents.

Section 3. School-age children should attend school regularly and shall be provided with the necessary school material. The home shall provide an adequate place to study.

Section 4. Foster parents shall provide special training or vocational guidance whenever it's needed.

Section 5. Children in placement shall attend the church of his parents, older children, should attend the church of their preference.

Section 6. Children in placement shall never be left alone in the home, they should always be under the supervision of a responsible adult, specially children under 12 years of age or children with special physical or emotional needs.

Section 7. Children in placement shall receive nourishing food according to their age and /or special needs.

Section 8. Children's clothing should be clean and properly styled in size and child's age.

Section 9. Each child in placement should have personal belongings such as bath soap, toothbrush, comb and towels.

Section 10. Children in placement will receive visits from their parents and/or members of their families except in cases where the Supervisor or the Caseworker understands that such visits are not convenient for the child. Under such circumstance foster parents shall make the necessary arrangements for the child to meet his parents.

Section 11. The foster parents shall receive the visit of the Caseworker for the purpose of supervision. Foster parents shall make arragements for the caseworker to interview the child in placement.

Section 12. The foster parents shall notify the caseworker in advance of any mayor change in the house structure, of any change in the family composition, or whenever they plan to move or perform any activity that might affect the foster children.

Section 13. Foster parents demanding the inmediate removal of a child in placement from their home shall notify the Department with at least 30 working days in advance.

Section 14. Foster parents shall notify the caseworker at once whenever a child leaves the foster home without authorization.

Section 15. Foster parents shall not make any type of agreement with the natural parents of the children in placement nor return the children to them without previous authorization of the Department.

Section 16. Foster parents cannot place a child under the care or shelter of another family without the previous authorization of the caseworker unless it would became necessary to do so in an emergency situation.

Section 17. Foster parents cannot move a child to another city or outside of Puerto Rico to live or on vacations without a previous written consent by the Department in accordance with the standards and procedures established,

Section 18. Foster parents must signed and comply with the "Agreement of Services to be offered by a Substitute Home or Day Care Center."

ARTICLE V. ISSUING OF A LICENSE

Section 1. A license will be issued if an investigation reveals that the foster home meets the requirements prescribed in these Regulations.

Section 2. The license shall be issued for a period of two (2) years and is not transferable.

ARTICLE VI. SUPERVISION

Section 1. After the license has been issued, the Department will supervise the foster home to guarantee that the children in placement will receive the services they need and that the home maintains the licensing requirements established.

ARTICLE VII. RENEWAL, REFUSAL, CANCELLATION AND SUSPENSION OF A LICENSE

Section 1. License must be renewed every two years after the home has been evaluated for such purpose.

Section 2. A period not exceeding 90 days will be granted to foster parents to improve conditions previously notified to them in writting. The 90 days shall be counted from the date the written notice is received.

Section 3. The foster parents shall correct deficiency during the period of time pointed out in the above section. Faiture to comply with the requirements will result in the prompt removal of the children in placement and the cancellation of the license.

Section 4. The Department will refuse, cancel or suspend a license at any time should they determine that the safety and well being of the children are threatened because the requirements established by these regulations have not been meet.

ARTICLE VIII. RIGHT TO APPEAL

Section 1. Foster parents agrieved by decision of the Department in regard to the refusal, cancellation or suspension of a license may appeal to the Board of Appeals established by Law No. 3 approved February 15, 1955 as amended.

Section 2. The appeal shall be filed by the party agrieved within the term of 15 days since the date of receipt of the notification.

ARTICLE IX. GENERAL DISPOSITIONS

Section 1. Authorized Social Agencies shall not place children in foster homes that have not been licensed. The Department shall not authorize the transfer of children to Puerto Rico, to live with families that do not meet the licensing requirements.

Section 2. The authorized social agency that places a child in a foster home licensed by the Department shall make arrangements for the financial support and supervision to the placed child.

Section 3. Foster parents who do not notify an unauthorized absence of a foster child from the foster home to the caseworker shall refund any compensation received during the time of the child's absence.

Section 4. Foster parents shall not present a foster child in televisión programs, movies or any other communication media nor their pictures shall be published without prior written authorization from the Department.

Section 5. Foster parents shall not use for their personal profit the abilities or skills of a child in placement.

Section 6. A foster child income such as work salary, pension or insurance benefits, inheritance or from any other sources shall be used only for their welfare with the authorization of the Department.

Section 7. A home used as lodging for adults, day care center, convalescence home or any other type of business which could affect adversely the well being of a child in placement shall not be elegible for a license as a foster home.

ARTICLE X. REPEAL AND EFFECTIVE DATE

Section 1. This Regulation repeals and substitutes for the Regulation registered on April 30, 1975 under number 1931.

Section 2. This Regulation shall be effective thirty (30) days after being filed in the Department of State of the Commonwealth of Puerto Rico, in accordance with Law 112 of 1957, as amended.

Approved by the Secretary of Social Services of the Department of Social Services of the Commonwealth of Puerto Rico, on the 14 day of July 1976.

RAMON GARCIA SANTIAGO
Secretary