

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 60—Licensing of Foster Family Homes

13 CSR 35-60.040 Physical and Environmental Standards

PURPOSE: This rule explains what physical and environmental conditions are required for licensing. It further describes sleeping arrangements and fire and safety requirements.

(1) Conditions of the Home

(A) The foster home shall be so located that a foster child has access to schools, recreational, religious, and other community resources.

(B) The home, grounds, and all structures on the grounds must be properly maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards.

(C) The home shall be of size and space and shall have furnishings and equipment to accommodate comfortably the foster parent(s) and all household members.

(D) The interior and exterior must be free from dangerous objects and conditions (meaning that any danger presented from such objects or conditions must be mitigated).

(E) The home shall have space for indoor play and access to outdoor play space. The outdoor play space shall be fenced when in the judgment of the division, nearby street traffic, railroad tracks, lakes, rivers, creeks, streams, swimming pools, or other potential hazards suggest the necessity for such fencing.

(F) The division may require inspection of the home by fire, health, sanitation, safety, or other officials, when in the agency’s judgment, such inspection is needed to assist the division in making a decision about the safety of the home. The home must comply with all local, county, and state ordinances.

(G) The home shall have heating and/or cooling as required by the geographic area, consistent with accepted community standards and in safe operating condition.

(H) The home’s private water supply shall be adequate and safe for human consumption. The home’s water supply may be required to be tested at the time of licensing, and the cost of testing will be covered by the applicant. If the private water supply is found to be unsafe for human consumption, an alternative source for drinking water shall be made available. The home’s water heater shall be set in accordance with the manufacturer’s recommended temperature setting.

(I) The interior of the home shall be free from an accumulation of visible dirt or any vermin, insect, or rodent infestation. The division may excuse compliance with this regulation with respect to a temporary infestation that the foster parent has taken appropriate steps to address.

(J) The home shall have adequate lighting, ventilation, and proper trash and recycling disposal, if recycling is available. Windows and doors shall be screened as needed unless the area is air conditioned.

(K) All interior doors shall be designed to permit the opening of a locked door from the outside in an emergency.

(L) The home shall have a properly operating kitchen with a sink, refrigerator, stove and oven.

(M) The home shall have at least one (1) toilet, sink, and tub or shower in operating condition.

(N) Mobile Homes.

1. There shall be an exit at each end of the home.

2. The mobile home shall be skirted with latticed or solid skirting and securely anchored by cable to the ground.

(O) Household swimming pools shall include the following safety requirements:

1. A barrier on all sides. For the purpose of this regulation, the exterior non-climbable surface of an above-ground pool that is at least four feet tall may constitute a barrier.

2. Methods of access through the barrier must be equipped with a safety device, such as a bolt lock.

3. Swimming pools must be equipped with a life saving device, such as a ring buoy.

4. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(P) Hot tubs and spas must have safety covers that are locked when not in use.

(2) Hazardous Materials and Substances

(A) All flammable liquids, matches, cleaning supplies, poisonous materials, alcoholic beverages, marijuana, medication, or other hazardous items shall be stored so as to restrict access by children to such items, to the extent such restrictions are appropriate for the age and development of the children in the household.

(B) For the purposes of this regulation, the terms “consumer”, “qualifying patient,” “marijuana”, “marijuana infused products”, “medical use”, and “primary caregiver” shall have the same definitions set forth in 19 CSR 100-1.010.

(C) Foster parents and household members shall not use or possess substances that they are not permitted to use or possess by law.

(D) Foster parents and household members who use, possess, purchase, or cultivate marijuana must follow all rules and procedures set forth by the Department of Health and Senior Services (DHSS) in 19 CSR 100-1.010 through 19 CSR 100-1.050.

(E) Foster parents shall not use prescription and non-prescription medications, alcohol, or marijuana to the extent that such use would leave the foster parent in an impaired physical or mental state and prevent the foster parent from parenting the child.

(F) Foster parents, household members, and guests shall not use marijuana, tobacco, or nicotine products that emit smoke or vapor, including e-cigarettes, vape pens, or vaporizers, in:

1. The foster home when a child in division custody is placed in the home;
2. A vehicle when transporting a child in division custody; or
3. The presence of a child in division custody.

(G) Foster parents and household members who are qualifying patients, primary caregivers, and/or authorized by DHSS to cultivate marijuana must obtain identification cards from the DHSS. All foster parents and household members shall, upon request, provide the division with a copy of their identification cards as applicable.

(H) All consumer, qualifying patient, and primary caregiver cultivation shall take place in an enclosed, locked facility, as defined in 19 CSR 100-1.010 and with the plant specifications set forth in 19 SCR 100-1.040.

(3) Sleeping Arrangements.

(A) Foster parents must provide a safe and comfortable sleeping space including sleeping supplies, such as a mattress and linens, for each individual child, as appropriate for the child’s needs and age and similar to other household members.

(B) A foster child shall not be permitted to sleep in any building, apartment, or other structure which is separate from the foster family home; nor shall any foster child be permitted to sleep in an unfinished attic, in an unfinished basement, or in a hall or any other room which is normally used for a purpose other than sleeping.

(C) A foster child shall not be permitted to sleep in finished basement bedrooms or in bedrooms above the second floor of a single family dwelling unless suitable provision has been made for heating, ventilation, and humidity control and all exits from these bedrooms have been approved by the division.

(D) At night a responsible adult shall sleep within calling distance of the foster children.

(E) Foster children of the opposite sex, who are six (6) years of age or older, shall not sleep in the same room.

(F) A foster child shall not sleep in the bedroom of an adult age twenty-one (21) years and older except that foster children two (2) years of age or younger may sleep in the bedroom of a foster parent, and foster children two (2) years of age or older may sleep in the bedroom of the foster parents for special temporary care, such as during a child's illness.

(G) A foster child, including infants, shall never co-sleep or bed-share with foster parents.

(H) Each bed or crib shall be of a size as to ensure comfort of the foster child, shall have a firm mattress or an orthopedic supportive surface, in good, clean condition with waterproof covering, if needed, and suitable covers adequate to the season. All sleeping environments and practices for infants shall be consistent with safe sleep practices as determined by the division.

(I) Each foster child under the age of two (2) shall have bed space equivalent to one-half (1/2) of a full-size bed. Each foster child over the age of two (2) shall have a separate bed.

(J) Separate and accessible drawer space for personal belongings and closet space for clothing shall be available for each foster child.

(K) There shall be no surveillance cameras in areas of the home that violate the privacy of the foster child, including, but not limited to, bathrooms and dressing areas.

(4) Emergency Preparedness, Fire and Safety Requirements, and Evacuation Plans:

(A) All foster homes shall have a working phone or access to a working phone in close walking proximity.

(B) The foster parent(s) shall maintain a comprehensive list of emergency telephone numbers, including fire department, police, doctor, ambulance and poison control, which shall be posted in a prominent place.

(C) The foster family shall have a written emergency evacuation plan, in case of fire or other emergencies. A foster child shall be instructed in the evacuation plan. The plan shall be posted in a prominent place in the home.

(D) Every room used for sleeping, living, or dining purposes shall have at least two (2) means of exit. At least one (1) of which shall be a door or stairway providing a means of unobstructed travel to the outside. An operable window will be considered as one (1) means of exit.

(E) No room or space shall be occupied for living or sleeping purposes which is accessible only by a ladder, folding stairs, or through a trap door.

(F) In apartment buildings where the foster family residence is on the second floor or above there shall be an exit stairway.

(G) The foster home shall have at least one (1) smoke detector on each level of occupancy of the home and at least one (1) near all sleeping areas.

(H) The foster home shall have at least one (1) carbon monoxide detector on each level of occupancy of the home and at least one (1) near all sleeping areas.

(I) The foster home shall have a charged portable ABC fire extinguisher of at least five (5) pound capacity located near the kitchen area.

(J) The foster home shall be free of obvious fire hazards, such as defective heating equipment or improperly stored flammable materials.

(K) Fireplaces, wood stoves, heaters, radiators, or floor furnaces shall have all protective features required by the fire inspector.

(L) The foster family shall maintain first aid supplies.

(5) Firearms Requirements.

(A) Any and all firearms and ammunition not being carried on one's person shall be stored in locked areas or cabinets using keys or other locking mechanisms so as to be inaccessible to children.

(B) Firearms and ammunition on one's person in the presence of a foster child shall be held in a secured holster and not accessible to children subject to the following:

1. No firearms shall be present in any vehicle transporting a foster child unless the firearms are—

A. In a locked glove box;

B. In a locked container; or

C. In a secure holster inaccessible to children, when carried or concealed on a person possessing a concealed carry permit.

2. An exception to subparagraphs (5)(B)1.A. through C. of this rule will be made for any governmental law enforcement employee transporting a foster child who must carry firearms and ammunition as part of their job responsibilities.

(C) No firearms possessed in violation of a state or federal law or a local government ordinance shall be present at any time in the foster home, on any household member, or in any vehicle in which a foster child is riding.

(D) Firearms and ammunition storage shall be made available for external viewing by Children's Division staff to assure firearms and ammunition are inaccessible to children. External viewing by Children's Division shall occur upon reasonable notice during reasonable hours for the purpose of foster home licensure, re-licensure, and quarterly visits. This rule shall not prohibit or hinder the Children's Division's ability to assure the safety and wellbeing of children and children's living conditions. Firearms and ammunition storage shall be available for external viewing without prior notice as part of the periodic visits to the foster child's home by the foster child's legal custodian or if—

1. There is a reasonable basis to believe there is a violation of subsections (5)(A) through (C) of this rule; or

2. There are allegations of child abuse or neglect.

AUTHORITY: section 210.506, RSMo 2016. Original rule filed July 18, 2006, effective Jan. 30, 2007. Amended: Filed Sept. 15, 2015, effective March 30, 2016. Amended: Filed June 22, 2020, effective Jan. 30, 2021.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, P.O. Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.