

**SAC AND FOX NATION TRIBAL CODE
TITLE 20 ARTICLE 7**

**TITLE 20
JUVENILE PROCEDURE**

**ARTICLE 7
DEVELOPING FOSTER FAMILIES**

Section 701. Responsibility

It shall be the responsibility of the Department to recruit, screen, and license foster family homes for the children in accordance with this Article.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20:
PUBLIC LAW # T 20 §701]

Section 702. Licensing Foster Family Homes

The Department, pursuant to rules not inconsistent with this Act, shall develop and file with the Tribal Court rules for licensing foster family homes and shall have the authority to license foster family homes for the care of children.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20:
PUBLIC LAW # T 20 §702]

Section 703. Basic Standard for Foster Families

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

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20:
PUBLIC LAW # T 20 §703]

Section 704. Basic Requirements of Foster Families

Foster families shall meet the following personal criteria.

- (a) The age of the foster parent shall be a consideration only as it affects their physical capability, flexibility, an ability to care for a specific child.
- (b) A written statement from a physician regarding the foster parent(s) and their children's general health, specific illnesses, or disabilities shall be a routing part of the study-evaluation process. Foster parent(s) and all other adults and the children present in the home shall submit a written report verifying that they have taken tuberculin tests and have been found free of disease; other tests may be required as indicated.
- (c) Physical handicaps of foster parent(s) 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.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20:
PUBLIC LAW # T 20 §704]

Section 705. Funding for Foster Children's Needs

(a) If necessary, the Department shall secure funding for the needs of the children placed in foster care. The rates of funding shall be similar to the rates paid by the State.

(b) Employment of Foster parents outside of the home:

(1) In a 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(ren) require(s). The Department shall make decisions regarding such situations on the basis of what is the best interest of the child

(2) When both parents in a two parent home and when single parents are employed, it is preferable that the home is 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.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20:
PUBLIC LAW # T 20 §705]

Section 706. Physical Facilities

(a) Physical facilities of the foster family home shall present no hazard to the safety of the foster child.

(b) Foster family homes shall meet zoning and housing requirements and/or codes as set by the Tribal Council for individual family dwellings.

(c) Physical standards for the foster family shall be set according to individual living standards for the community in which the foster family 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 of opposite sexes is undesirable, especially for foster children over the age of eight (8).

(3) Children, other than infants and during emergencies, such as illness, shall not share sleeping quarters with adults in the household.

(4) The foster home shall have individual space for the child's personal possessions.

(5) In all instances when exceptions are necessary, they shall be for children under two (2) years of age or when special cultural, ethnic, or socioeconomic circumstances create a situation in which such exceptions will not be detrimental to the child.

(e) Foster family homes shall be accessible to schools, recreation, churches, other community facilities, and special resources, such as medical clinics as needed.

(f) If the home is otherwise suitable, the foster family shall be provided with all available assistance in meeting the above requirements, standards, and/or codes.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20: PUBLIC LAW # T 20 §706]

Section 707. Family Composition

(a) A foster family with two parents is preferred, however a single parent may be selected when he/she can effectively fulfill the needs of the particular child.

(b) The presence of other children, either the foster parent's own children or other foster children, and other adults (such as grandparents, aunts/uncles, adult children, or unrelated adults) shall be taken into consideration in terms of how they might be affected by or have effect on the child.

(c) The number and ages of children in the home (both foster and biological) 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 that an additional child will have on the family unit.

(d) It is preferable that:

(1) Foster parents shall not have in their care more than two (2) infants (under two years of age).

(2) Foster families should not have more than a total of six (6) children, including foster children in the foster family home. Exceptions shall be made in order to keep siblings together.

(3) A foster family home shall not provide placements for more than one agency at a time without a written agreement delineating the responsibilities of all parties involved.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20: PUBLIC LAW # T 20 §707]

Section 708. Personal Characteristics

All adults providing foster care shall:

(a) Be mentally and physically able to provide care and supervision;

(b) Exercise reasonable judgment in caring for children;

(c) Not engage in or have history of behaviors which would injure or endanger the health or morals of children;

(d) Be cleared with the State Registry of abused or neglected children and incompetent or disabled adults; and

(e) Provide the following:

(1) Three favorable character references; and

(2) Health reports indicating persons are physically capable of caring for children. After licensing, a new self-certifying health report must be provided annually.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20:
PUBLIC LAW # T 20 §708]

Section 709. Foster Parenting Abilities

An assessment of prospective foster parent(s)' parenting ability regarding a specific child shall take into account the following:

- (a) Motivation for application at this time.
- (b) Characteristics and number of children best suited for the foster family.
- (c) Existing family relationships, attitudes, and expectations regarding their own children and parent-child relationships, especially where such existing attitudes and relationships might affect the foster child.
- (d) Attitudes of significant members of the extended family regarding child placement.
- (e) Ability to accept and love the child as he/she is.
- (f) Capacity of parents to provide for the child's needs while giving proper consideration to their own children.
- (g) Capacity to absorb the child into family life.
- (h) Capacity of parent(s) to provide for child's needs while giving proper attention to their own children.
- (i) Own children's attitudes towards accepting foster child(ren).
- (j) Realistic assessment of positive and negative aspects of foster parenthood.
- (k) Personal characteristics necessary to provide continuity of care throughout child's need for placement.
- (l) Flexibility to meet challenging needs over the course of the placement.
- (m) Ability to accept child's relationship with his/her biological parent.
- (n) Knowledge of or ability to recognize areas in which ongoing social work assistance may be needed.

[History: L. 1992, May 2; R-30-92: Amend. 2020, Jun. 16; R-21-20:
PUBLIC LAW # T 20 §709]