



VERMONT

**DEPARTMENT FOR CHILDREN & FAMILIES
FAMILY SERVICES DIVISION**

To: Interested Parties

From: Lindsay Barron, Family Services Division Policy and Planning Manager
Stacey Edmunds, Residential Licensing and Special Investigations Unit Director
Heidi Moreau, Department for Children and Families Policy Advisor

Date: Monday, December 5, 2022

Subject: Proposed Rulemaking – Feedback Requested

Please note: This notice is being distributed to an expansive list of Family Services Division staff and stakeholders who are blind carbon copied (abbreviated Bcc) on this email. This is done to reduce replies to all on such a large scale.

Summary:

The Family Services Division of the Department for Children and Families is updating its foster care licensing regulations. This proposed rule adds language to section 200 of the *Licensing Regulations for Foster Homes in Vermont* prohibiting a foster parent from discriminating against a foster child based on race, religion, color, national origin, sex, sexual orientation, gender identity, age, disability, or political beliefs. The rule also adds language to section 201 requiring foster parents to support children in wearing hairstyles, clothing, and accessories affirming of the child's racial, cultural, tribal, religious, or gender identity. The rule amends section 035 to prohibit DCF from granting variances to the nondiscrimination provisions of the rules. Finally, the rule corrects typographical and grammatical errors that are present in the current rule.

Notice of Additional Planned Rulemaking:

Please be aware that the Family Services Division of the Department for Children and Families has additional rulemaking it intends to file in the future which contains comprehensive updates to the *Licensing Regulations for Foster Homes in Vermont*. The additional rulemaking will include:

- Recommendations stemming from a multi-year internal review and re-writing process;
- Integration of the National Model Foster Family Home Licensing Standards articulated in the First Prevention Services Act (FFPSA) legislation;
- Consideration of previous work by the National Association of Regulatory Administration, Generations United, the American Bar Association, and the Annie E. Casey Foundation; and
- Feedback and recommendations gathered through stakeholder engagement of our kinship foster and foster care community, Youth Advisory Board, the Vermont Citizens Advisory Board, and DCF Family Services Division staff.

Rulemaking Process:

A. Informal Public Input Process

1. The proposed rule was filed with the Interagency Committee on Administrative Rules (ICAR) on September 6, 2022 and presented at its meeting on October 10, 2022.
2. The proposed rule was filed with the Secretary of State's Office on October 27, 2022.
3. The Secretary of State published notice of rulemaking on its website and in newspapers on November 2, 2022 and November 10, 2022, respectively.
4. The department posted the proposed rule on its website (<https://dcf.vermont.gov/fsd/laws-rules>) on November 3, 2022. This memo is intended to notify advocates, stakeholders, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. Written comments may be submitted no later than 4:30 p.m. on December 30, 2022. Comments and feedback should be sent to ahs.dcffsdfofostercareregs@vermont.gov
2. The anticipated effective date of the rule is April 1, 2023. This date is subject to change.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking, please go to the website of the Office of the Vermont Secretary of State at: <https://sos.vermont.gov/secretary-of-state-services/apa-rules/>, email sos.statutoryfilings@vermont.gov, or call 802-828-3700.

For information on upcoming hearings before the Legislative Committee on Administrative Rules, please go to the website of the Vermont Legislature at: <https://legislature.vermont.gov/committee/detail/2024/39>.