APA-4

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to *Code of Alabama* 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 25th day of March, 2020.

AGENCY NAME: Department of Human Resources

RULE NO. AND TITLE: 660-5-29-.08 Emergency Exceptions

EFFECTIVE DATE OF RULE: March 25, 2020

EXPIRATION DATE (If less than 120 days): Removal of Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, relating to the COVID-19 health emergency or 120 days, whichever is sooner.

NATURE OF EMERGENCY: See attached Statement of Reasons for Issuing Emergency Rule.

STATUTORY AUTHORITY: *Code of Alabama* 1975, § 26-14-1 *et seq.*

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS ____ YES __X__ NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Gail M. Grobe, AP Secretary
50 Ripley Street, Ste. 2122
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REC'D & FILED

MAR 25 2020

LEGISLATIVE SVC AGENCY

FILING DATE

(For APA Use Only)

Nancy T. Buckner
Commissioner

Kay Ivey
Governor

State of Alabama
Department of Human Resources

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Nancy T. Buckner
Commissioner

Statement of Reasons for Issuing Emergency Rules
Pursuant to Ala. Code § 41-22-5(b)(1)

On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus also known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant implementation of extraordinary measures and relief during the state emergency to guard public health and protect human life. The Department's Minimum Standards for Foster Family Homes, Code of Alabama 1975 Section 38-7-1, Child Care Act of 1971 and Chapter 660-5-29 requires that all foster family homes be in compliance and meets the requirements prescribed in the Standards.

Due to current health challenges, Alabama Department of Human Resources finds the need to make temporary changes to the Minimum Standards for Foster Family Homes by allowing some exceptions in the recertification process and warrant the emergency adoption of this rule to allow the Family Services Director to approve some exceptions to the Standards. County Directors must send in writing via email and include efforts that have been made to meet the normal Standard guidelines prior to an exception being given. The waiver to meet the recertification requirements should be documented in the foster family home record.

ALABAMA DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES DIVISION
ADMINISTRATIVE CODE

CHAPTER 660-5-29
MINIMUM STANDARDS FOR FOSTER FAMILY HOMES

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660-5-29-.08ER Emergency Exceptions

(1) Preamble. On March 13, 2020, the Governor of the State of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus also known as COVID-19. On March 18, 2020, the Governor proclaimed the existence of conditions that warrant implementation of extraordinary measures and relief during the state emergency to guard public health and protect human life. The Department's Minimum Standards for Foster Family Homes requires the homes to be renewed each year. Some of the standards/policy requirements include foster parent medicals, pet vaccinations, in person CPR training, basic water safety, etc.

(2) Due to current health challenges, Alabama Department of Human Resources finds the need to make temporary changes to the requirements in recertifying foster family homes during the period designated as a state emergency due to COVID 19. In order to recertify the foster family home, many of the requirements may not be manageable at present time. County Directors should send in writing via email to the Family Services Director efforts made to meet the normal policy Standard guidelines in order for a policy exception to be approved. Exceptions will be considered only for renewal recertification, not for initial approvals. If an exception is granted, the exception will only be in effect for the duration of the emergency. All exceptions will be tracked. Once the

state of emergency is over, any exceptions will need to be reviewed to ensure the foster family home is brought within full compliance.

Author: Alabama Department of Human Resources

Statutory Authority: Code of Alabama, 1975 § 38-7-1 et seq.

History: Emergency New Rule Pursuant to Governor Kay Ivey's Declaration of State of Emergency March 13, 2020, Approved: March 25, 2020. Effective Date of Emergency Rule: March 25, 2020.