



STATE STATUTES
CURRENT THROUGH FEBRUARY 2018

Home Study Requirements for Prospective Foster Parents

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The State agency with responsibility for placing children in out-of-home care and supervising those placements must ensure through careful and thorough assessments of personal characteristics and home environments that foster parents and other substitute caregivers are capable of providing safe, nurturing homes that are in the best interests of the children in out-of-home care.

A licensed foster family home is one that is approved by the State to provide care for children and that meets basic standards of safety set by law and regulation. Laws and policies for licensing or approving family foster homes vary considerably from State to State. These standards reduce predictable risks to the health, safety, and well-being of children in out-of-home care. The goal of foster care is to provide a safe, stable, nurturing environment until the child is

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able to return home or until a permanent family is found for the child. For this publication, State statutes, regulations, and policies regarding the requirements for approving foster family homes were collected from all 50 States, and the results are presented below.

PERSONAL QUALIFICATIONS

An examination of the information collected shows that adults of any profession and background may apply to be foster parents. In approximately 36 States and the District of Columbia, the foster parent applicants must be at least age 21.¹ In six States, the applicant must be at least age 18.² In Alabama and Nebraska, the parent must be at least age 19.

Either couples or single persons can become licensed foster parents. Five States require that couples must be legally married.³ Fourteen States require that applicants be either U.S. citizens or legal residents of the United States.⁴ Eight States require applicants to be State residents.⁵

Three States require that applicants be able to read and write.⁶ In four States, at least one adult in the household must be able to communicate in English.⁷

Personal characteristics that are important include the ability to provide a safe and nurturing family environment for a child

in foster care, flexibility in dealing with the needs of these children and their birth families, and a willingness to work with the social services agency in meeting program requirements. To ensure the safety of the child in care, all members of the foster family household must pass background checks that show no convictions for certain crimes or records of substantiated child abuse or neglect.

In addition, most States require that prospective foster parent(s):

- Have sufficient family income, separate from the foster care reimbursement, to meet the family's needs and financial obligations
- Have sufficiently good physical health to be able to meet the demands of caring for children
- Are free of communicable diseases, illnesses, or disabilities that would either endanger the child or interfere with the provision of care
- Have no evidence of mental health conditions that would impair the ability to provide safe, consistent care for children
- Possess a valid driver's license, reliable transportation, and sufficient vehicle insurance

¹ The word "approximately" is used to stress the fact that States frequently change their laws. This information is current through February 2018. The States that require foster care applicants to be at least age 21 are Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

² Kansas, Massachusetts, Michigan, Montana, New Jersey, and New Mexico.

³ Alabama, Illinois (or be in a civil union), Louisiana, Mississippi, and Utah.

⁴ Arizona, Colorado, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Mexico, Oklahoma, Oregon, and Utah.

⁵ Arizona, Connecticut, Maine, Mississippi, New Hampshire, New Jersey, New Mexico, and South Dakota.

⁶ Alabama, Massachusetts, and North Carolina.

⁷ Florida, New Hampshire, Ohio, and Virginia.

TRAINING REQUIREMENTS

Approximately 45 States and the District of Columbia require in law or policy that prospective foster parents complete a course of orientation and training prior to licensure.⁸ Thirty-four States and the District of Columbia provide a specific course of training.⁹ Twenty-five States and the District of Columbia require the completion of a specific number of hours of training prior to licensure.¹⁰ Topics addressed in the training typically include the following:

- Licensure requirements
- Agency policies and procedures
- Roles and responsibilities of foster parents
- Child development
- Behavior management and appropriate methods of discipline
- Cultural sensitivity
- Attachment, separation, and loss issues
- Home and child safety
- The impact of fostering on the foster parents' own families

North Dakota requires annual training on fire prevention and safety. Eighteen States specifically require training in first aid, including cardiopulmonary resuscitation (CPR).¹¹ In 12 States, foster parents are required to have knowledge of or receive training on supporting normalcy for children in foster care through the application of the reasonable and prudent standard.¹² As authorized by the Federal Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183), the "reasonable and prudent parenting standard" gives foster parents the ability to make careful and sensible parental decisions when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities that are appropriate to the age and developmental level of the child.

In 42 States and the District of Columbia, foster parents are required to complete ongoing, annual training in order to maintain licensure.¹³ The training can consist of additional study in the same topics included in the preservice training or be targeted to the specific needs of the children in their

⁸ Vermont, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands do not address this issue in law or regulation. Alaska does not specifically require foster parent training; the department is required to make training available. Hawaii does not specifically require training; applicants must demonstrate the ability, training, and experience to care for children. Pennsylvania and Tennessee do not require the completion of preservice training, but ongoing training is required.

⁹ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

¹⁰ Ohio requires 36 hours of preservice training; Alabama, Arkansas, Iowa, North Carolina, South Dakota, Wisconsin, and the District of Columbia require 30 hours; Colorado, Maryland, and Mississippi, 27 hours; Kentucky, 24 hours; Colorado, Florida, Nebraska, and New Hampshire, 21 hours; Montana and Wyoming, 18 hours; South Carolina, 14 hours; Michigan and Oklahoma, 12 hours; Indiana, 10 hours; Nevada and Texas, 8 hours; Arizona and Minnesota, 6 hours.

¹¹ Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Indiana, Kansas, Michigan, Minnesota, Mississippi, North Carolina, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming.

¹² Arizona, California, Colorado, Delaware, Louisiana, Maryland, New Jersey, New York, North Carolina, North Dakota, Oklahoma, and Wisconsin.

¹³ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

care. Policies in 36 States set the minimum hours of training that must be completed.¹⁴

MINIMUM STANDARDS FOR FOSTER HOMES

In general, foster homes must comply with all State and local zoning, building, and fire and safety codes. The home must be kept clean, in good repair, and free from hazardous conditions. Hazardous materials, including medications, household chemicals, tools, and weapons and ammunition, must be stored in a place that is inaccessible to children. In 35 States and the District of Columbia, any firearms in the home must be locked in cabinets, gun safes, or other containers that are inaccessible to children; ammunition must be kept in separate, locked containers.¹⁵

Forty-six States, the District of Columbia, and Puerto Rico require that working smoke detectors be installed near sleeping areas.¹⁶

Working portable fire extinguishers are

required by 31 States, the District of Columbia, and Puerto Rico.¹⁷ Carbon monoxide detectors are required in 20 States.¹⁸

The home must be large enough to provide adequate space for living, eating, study, and play for all occupants, including the children in foster care. The home must have a working telephone; appliances in good working order; adequate heat, lighting, and ventilation; and a working bathroom with hot and cold running water. The home must have a sufficient number of bedrooms for all family members that are large enough to provide each child adequate space for his or her safety, privacy, and comfort. In 18 States, regulations specify a minimum square footage that must be provided to each child in care.¹⁹ In 19 States, regulations specify a maximum number of children allowed in each bedroom.²⁰

Exceptions may be made to these occupancy limits in order to accommodate siblings.

¹⁴ Foster parents must complete 20 hours of annual training in Colorado, Texas, and Virginia; 18 hours in Wyoming; 16 hours in Illinois; 15 hours in Alabama, Arkansas, Indiana, Louisiana, and Montana; 14 hours in South Carolina; 12 hours in Delaware, Minnesota, Nebraska, New Mexico, and West Virginia; 10 hours in Idaho, Maryland, Mississippi, and North Carolina; 8 hours in California, Florida, Georgia, Kansas, and Rhode Island; 6 hours in Iowa, Kentucky, Michigan, and South Dakota; and 4 hours in Nevada. In five States, training hours may be fulfilled during the 2-year licensure period: Arizona (12 hours), Maine (18 hours), New Hampshire (16 hours), Ohio (40 hours), Oregon (40 hours), and the District of Columbia (30 hours).

¹⁵ Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

¹⁶ Maine, Minnesota, Oklahoma, and South Carolina do not specifically require smoke alarms within their home study regulations, but smoke detectors and other safety devices may be required as part of their building codes.

¹⁷ Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Louisiana, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

¹⁸ Alaska, California, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Montana, New Jersey, North Carolina, Oregon, Rhode Island, South Dakota, Wisconsin, and Wyoming.

¹⁹ For example, Nebraska and Nevada require 35 square feet per child. Colorado, Florida, Iowa, Michigan, Texas, Utah, and Wisconsin require 40 square feet per child. Arkansas, Indiana, and Massachusetts require 50 square feet per child. In Illinois, the first child must be provided 40 square feet, and each additional child in the room must have 35 square feet. In Kansas, the first child must be provided 70 square feet and each additional child 45 square feet. In the Louisiana, the first child must have 75 square feet and additional children 55 square feet each. In Tennessee, the first child must have 65 square feet and additional children 50 square feet each. In Wyoming, bedrooms must provide 75 square feet for the first child and 50 square feet for each additional child. In Maine, single-occupancy rooms must be at least 60 square feet; multiple-occupancy rooms must provide 40 square feet per child.

²⁰ Bedrooms may be occupied by no more than four children in Arkansas, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, Ohio, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. New York limits the occupancy to three children per bedroom. In California, the number of children in a bedroom is limited to two.

In 37 States, the District of Columbia, and the U.S. Virgin Islands, there must be a sufficient number of bedrooms so that children of the opposite sex do not share a room.²¹ In 25 States, the District of Columbia, and the Virgin Islands, children who are older than infants are not allowed to sleep in the same room as an adult.²² Each child must be provided with his or her own bed; infants must sleep in cribs that meet all relevant safety standards.

To provide a healthy environment for children while in care, 26 States prohibit any person from smoking in the presence of foster children, either in the foster home or in any vehicle being used to transport children.²³ In 28 States and the District of Columbia, household pets must not present a hazard to children in care and must be kept vaccinated as required by law.²⁴

APPROVAL PROCESS

The process of approving applicants for foster parent licensure consists of assessments or home studies of the applicant, the applicant's family, and the applicant's home environment to determine whether the home would be safe and appropriate for children in foster care. Onsite home visits are conducted to assess the suitability of the home to accommodate the needs of all family members, including the foster children. The condition of the home is

evaluated to determine whether it is clean, safe, comfortable, and in conformance with agency regulations. The agency also may require an inspection by the State health department or a fire and safety inspection by the fire marshal.

In addition, the social worker will conduct interviews with the applicants and all family members to assess their suitability to provide appropriate care for children in foster care. Personal references are contacted for further information. To ensure that the foster parents are healthy enough to provide appropriate care, the social worker may require the results of recent health examinations. Checks of State and national criminal records and child abuse and neglect records of the foster parents and all adults residing in the foster parents' home also are included in the study.

²¹ Alabama, Arizona, Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

²² Arkansas, California, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia.

²³ Alaska, Arkansas, California, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Mississippi, Montana, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Texas, Utah, Washington, Wisconsin, and Wyoming.

²⁴ Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, Ohio, Oregon, Rhode Island, South Carolina, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

GROUNDS FOR WITHHOLDING APPROVAL

Licensure can be denied when the results of the home study indicate that the applicant is not suited to provide care for children in foster care. Some specific grounds for withholding approval include the following:

- The applicant does not meet the required regulations for training, experience, or family income.
- The applicant or any family member is found to be of unsuitable character to provide safe and appropriate care.
- The applicant's home is found to be unsafe or inadequate to provide for the needs of children in care.
- The applicant suffers from a physical or mental health condition that would interfere with providing appropriate care for children.
- The applicant is found to have provided false or misleading information to the licensing agency.
- The applicant or any member of the household has a record of a criminal conviction of a nature that could put children at risk of harm.
- The applicant or any member of the household has a record of substantiated child abuse or neglect.²⁵

²⁵ For more information on the issue of background checks, including specific crimes that will bar approval, see Information Gateway's *Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers* at <https://www.childwelfare.gov/resources/background-checks-prospective-foster-adoptive-and-kinship-caregivers/>.

²⁶ Georgia and Wyoming do not have provisions for making foster placements with relatives. For more information on this issue, see Information Gateway's *Placement of Children With Relatives* at <https://www.childwelfare.gov/resources/placement-children-relatives/>.

²⁷ Arkansas, Connecticut, Maryland, Massachusetts, Mississippi, Montana, New Jersey, Nebraska, New Mexico, and New York.

²⁸ California, Colorado, Indiana, Minnesota, Ohio, Oregon, South Carolina, and Virginia.

KINSHIP FOSTER CARE

Approximately 48 States and the District of Columbia give priority to relatives of the child when making an out-of-home placement.²⁶ To facilitate the placement of a child with relatives, States may do the following:

- Conduct an expedited home study that focuses on the ability of the relative caregiver to provide appropriate care for that particular child
- Approve a variance from the foster family home regulations for requirements that are not related to safety, such as caregiver age, foster parent training, or size of the caregiver's home

In 10 States and the District of Columbia, the relative may be issued a temporary, provisional license, but after the temporary license expires, the relative must be able to meet all requirements for full licensure.²⁷ In eight States, except for emergency placements, relative caregivers must comply with all regulations for foster home licensure before a related child may be placed in their care.²⁸ In Illinois, Indiana, Kansas, and Texas, children may be placed with relatives without formal licensing, but relatives may choose to apply for licensure in order to receive foster care maintenance payments and other services and supports. In Kansas, nonrelated kin providing out-of-home care must be licensed, but the requirement to complete training prior to placement is waived.

ADOPTING CHILDREN IN FOSTER CARE

The laws and policies of 31 States provide procedures for the foster parent to adopt when the child for whom he or she has been providing foster care becomes legally free for adoption.²⁹ In 13 States, the foster parent must submit an application to adopt the child.³⁰ In four States, the foster parent is the preferred placement if he or she qualifies and there are no relatives seeking to adopt the child.³¹ Ten States require that the child has resided in the foster home for a period of time before the foster parents will be considered for adoptive placement.³² Once they have applied to adopt the child, an abbreviated home study will be conducted to determine the parents' ability to provide a permanent home. The wishes of the child regarding the adoption also will be considered.

In three States, foster parents who wish to adopt a child must undergo a full adoption home study and meet all relevant adoption home standards.³³ Thirteen States offer a single assessment process for both foster and adoptive parents.³⁴

Four States have “legal risk” or “fost/adopt” licensure for foster parents.³⁵ This type of placement is used when the child

has a concurrent permanency plan goal of reunification and adoption. The foster parent, who is fully certified as both a foster and adoptive parent, agrees to work with the birth family toward reunification and is committed to adopting the child if reunification efforts fail.

INTERJURISDICTIONAL APPROVAL

In all States, when the child's best interests require placement outside his or her home State, that placement is subject to the provisions of the Interstate Compact on the Placement of Children (ICPC).³⁶ The State where the child is to be placed (receiving State) must conduct a home study on behalf of the State that is placing the child (sending State). The court of the sending State must accept the home study completed by the receiving State and determine whether the proposed placement is in the child's best interests.

FOR MORE INFORMATION

Many States maintain an array of information resources on foster parent licensing requirements on the Internet. Links to these resources, as well as links to the full text of relevant State agency regulations, are available in this publication.

²⁹ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

³⁰ Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Minnesota, Missouri, Ohio, Oregon, South Carolina, and Virginia.

³¹ Louisiana, Missouri, South Carolina, and Tennessee.

³² Arizona (6 months), California (6 months), Illinois (12 months), Missouri (9 months), Ohio (6 months), Oregon (12 months), Rhode Island (2 years), South Carolina (6 months), Tennessee (12 months), and Virginia (18 months).

³³ Georgia, Idaho, and Wisconsin.

³⁴ California, Colorado, Connecticut, Idaho, Maryland, Mississippi, New Jersey, New York, Oklahoma, Rhode Island, Texas, Utah, and West Virginia.

³⁵ Massachusetts, New Mexico, South Dakota, and Texas.

³⁶ For more information on interjurisdictional placements and the ICPC, see https://aphsa.org/AAICPC/AAICPC/icpc_faq_2.aspx.

For a discussion of model licensing standards that are focused on ensuring the safety and well-being of children in out-of-home care, see the publication *Model Family Foster Home Licensing Standards*, developed by the American Bar Association Center on Children and the Law, Generations United, the Annie E. Casey Foundation, and the National Association for Regulatory Administration, at <http://www.naralicensing.org/assets/docs/SharedResources/Model%20Licensing%20Standards%202018%20update.pdf> (1,264 KB).

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