

Agency Regulations

Foster and Prospective Adoptive Families

Section 17a-145-130. Definitions

As used in Sections 17a-145-130 through 17a-145-160, inclusive, of the Regulations of Connecticut State Agencies, the following definitions apply:

- (a) "Approved" means to be granted permission by a child placing agency, licensed by the department, to be a foster family or prospective adoptive family.
- (b) "Bedroom" means a room used by a foster or adoptive child for sleeping.
- (c) "Child" means any person under eighteen years of age not related to the foster or prospective adoptive family.
- (d) "Child-placing agency" means an agency, association, corporation, institution, society, or other public or private organization licensed by the department to approve foster or prospective adoptive families and to place a child into an approved foster or prospective adoptive family.
- (e) "Commissioner" means the commissioner of the Department of Children and Families.
- (f) "Department" means the Department of Children and Families.
- (g) "Emergency" means any situation in which an immediate threat to the health or welfare of a child or children exists or is suspected.
- (h) "Firearms or other types of dangerous weapons" means those items defined in Sections 53a-3(19) and 53a-3(21) of the Connecticut General Statutes.
- (i) "Foster family" means a person or persons, licensed or certified by the department of children and families or approved by a licensed child placing agency, for the care of a child or children in a private home, herein after referred to as a foster family, foster home or foster parents.
- (j) "Licensed" means to be granted permission by the department.
- (k) "Member of the household" means a person who lives in or has regular access to a foster or prospective adoptive home including, but not limited to boarders, roomers, relatives and friends.
- (l) "Prospective adoptive family" means a person or persons, licensed by the department of children and families or approved by a licensed child placing agency, who is awaiting the placement of, or who has a child or children placed in their home for purposes of adoption, herein after referred to as a prospective adoptive family, prospective adoptive home or prospective adoptive parents.

(m) "Summary suspension" means the immediate termination of the right to provide care as a foster or prospective adoptive family as granted in a department issued license, pending proceedings for revocation or other licensure action.

(n) "Trigger guard lock" means a lock which prevents the discharge of a firearm unless unlocked by a key or combination.

(Effective February 20, 1997)

Section 17a-145-131 Application of Regulations to the Department and Child Placing Agencies

The provisions of sections 17a-145-130 through 17a-145-160, inclusive, of the Regulations of Connecticut State Agencies shall apply to the process of licensing or approving a foster or prospective adoptive family by the department or child placing agencies except where otherwise referenced in such regulations.

(Effective February 20, 1997)

Section 17a-145-132 Assessment of Foster or Prospective Adoptive Parents and members of the household

The department and each child placing agency shall conduct an assessment of any applicant for a foster family or prospective adoptive family license or for the renewal of such a license. Such assessment shall include the applicant as well as all members of the applicant's household. The assessment shall determine the ability of the applicant to comply with the requirements of sections 17a-145-130 through 17a-145-160, inclusive, of the Regulations of Connecticut State Agencies. Such assessment shall include, but not necessarily be limited to, the physical condition of the home, the health of the applicant and other members of the household, and the ability of the applicant to provide an environment that will advance the physical, mental, emotional educational and societal development of each foster or adoptive child who may be placed in such home. In the case of a foster family the assessment shall also determine the ability of the foster family or applicant to work with the department to pursue the child's treatment plan including reunification with the biological family.

(Effective February 20, 1997)

Section 17a-145-133. Issuance of license or granting of approval. Not transferable or assignable

(a) A license to care for or board a child shall be issued by the department only to the foster family or prospective adoptive family for which application is made and only for the address shown on the application and shall not be transferable or assignable. Foster families or prospective adoptive families approved through a licensed child placing agency shall be granted such approval by a licensed child placing agency only to the foster family or prospective adoptive family for which application is made and only for the address shown on the application and shall not be transferable or assignable.

(b) No foster or prospective adoptive home shall possess more than one (1) license or approval for adoption or other form of out of home care either through the department, an entity licensed by the department or licensed or otherwise approved through any other entity.

(c) In the case that there are changes to any member of the household or dwelling structure, the department or child placing agency may require a new assessment of the foster or prospective adoptive family. Such assessment shall result in the issuance of a new license or approval or the initiation of action to revoke such license or approval.

(d) A foster care license or approval is not an entitlement.

(Effective February 20, 1997)

Section 17a-145-134. Access to license or documentation of approval

Each foster family or prospective adoptive family to which a license has been granted by the commissioner for the care of a child shall keep such license at the residence and shall make such license available to the commissioner or his designee upon request. Foster families or prospective adoptive families approved through a child placing agency shall keep a letter or other form of documentation from such agency proving they are approved and shall make such letter or documentation available to the child placing agency, commissioner or his designee upon request.

(Effective February 20, 1997)

Section 17a-145-135. Access of commissioner or child placing agency to premises

Each foster family or prospective adoptive family shall grant the commissioner or his designee or child placing agency access to the child, premises and documents related to the child at any reasonable time as deemed necessary with respect to non-emergency child related issues. In emergency circumstances unrestricted access shall be granted.

(Effective February 20, 1997)

Section 17a-145-136. Interstate placement of children

Each child placing agency, foster family or prospective adoptive family shall comply with state statutes and regulations regarding the interstate placement of children prior to accepting placement of a child from out of state.

(Effective February 20, 1997)

Section 17-145-137 Physical Requirements of Foster and Prospective Adoptive Homes

(a) Dwelling and furnishings shall be clean and comfortable and in good repair.

(b) State and local fire codes shall be observed by all foster families and prospective adoptive families. A determination of reasonable fire safety shall be established for all foster families or prospective adoptive families. In the event of a disagreement between the department and a foster family or prospective adoptive family regarding fire safety issues, the final determination shall be vested in the local fire marshal.

(c) The home and grounds shall be reasonably free from anything that constitutes a hazard to children including, but not limited to:

(1) Any peeling paint inside or outside of the house which is accessible to the children shall be determined to be non-toxic in compliance with requirements of the department of public health;

(2) equipment used by the children shall not be painted or covered by any material which is poisonous;

(3) all swimming pools shall comply with state and local regulations; and

(4) medicines and toxic and flammable materials shall be kept out of the reach of children.

(d) There shall be sufficient indoor and outdoor space, ventilation, toilet facilities, light and heat to ensure the health and comfort of all members of the household.

(e) All heating systems shall comply with the state and local building and fire codes.

(f) Adequate sewage and garbage facilities shall be maintained.

(g) All power driven machines or other hazardous equipment shall be properly safeguarded and their use by any foster or adoptive child properly supervised by an adult.

(h) Emergency evacuation plans shall be established and practiced at least quarterly with the children.

(i) If a furnace is on the same floor as a living space it shall be enclosed.

(j) All foster and prospective adoptive homes shall have smoke detectors in operating condition so as to protect sleep areas, play areas and the basement.

(Effective February 20, 1997)

Section 17-145-138 Telephone

All foster and prospective adoptive homes shall have a working telephone with emergency numbers posted in an easily visible location. The department or child placing agency shall be notified within one (1) business day of any change in the home's telephone number or telephone status.

(Effective February 20, 1997)

Section 17-145-139 Children's Bedroom, Clothing and Privacy

(a) (1) Each bedroom shall be enclosed on all sides, with a window and a door that leads into a hallway or other common living area.

(2) Each bedroom shall have at least two approved means of exit capable of providing for escape in the event of fire or disaster

(3) Bedrooms for children shall be used for sleeping purposes and customary childrens' activities only. The child's bedroom shall not be used for general purposes of other members of the family.

(4) Children under the age of five placed in foster families and prospective adoptive families shall sleep on the same floor and in close proximity to foster or prospective adoptive parents or a responsible adult.

(5) A separate bed shall be provided for each child except that siblings of the same sex may sleep together in a double sized or larger bed with the approval of the commissioner or his designee.

(6) No child three years of age or older shall be permitted to share a bedroom with another child of the opposite sex or a same sex child of disparate age. No child over the age of one shall share a room with an adult without the permission of the commissioner or his designee.

(7) No more than four (4) children including the foster or prospective adoptive parents own children shall sleep in the same room without the permission of the commissioner or his designee.

(b) The child's clothing shall be kept clean and in good condition in keeping with the standards of the community. Provision shall be made for the safe storage of the child's clothing and personal possessions.

(c) Each child shall be afforded privacy appropriate to his growth and development.

(Effective February 20, 1997)

Section 17-145-140 Food and Water

(a) All food for human consumption, food storage and preparation, personal cleanliness and general care of the home shall meet generally accepted health standards.

(b) No non-pasteurized milk products shall be provided by, or with the approval or knowledge of, a foster family or prospective adoptive family to any child in care.

(c) The water supply shall be safe and adequate to meet the needs of the household. If the home is not served by a public water supply, the water shall be analyzed and approved by the state or local department of health or by a private water testing laboratory approved by the department of public health and addiction services at the

time of initial licensure or approval and at any subsequent time the department or child placing agency deems such testing necessary.

(Effective February 20, 1997)

Section 17-145-141 Firearms and Weapons

Firearms or other types of dangerous weapons are discouraged in foster and prospective adoptive homes. The department or child placing agency shall be notified by any foster or prospective adoptive parents if they or a resident in their home possess, prior to licensure or approval or obtained subsequent to licensure or approval, a firearm or other type of dangerous weapon. A foster or prospective adoptive parents shall ensure that: (1) Firearms and ammunition shall each be locked in separate places inaccessible to all children; firearms; (2) whenever practicable, firearms are equipped with a trigger guard lock; (3) other types of dangerous weapons shall be unstrung or unloaded and shall be stored in locked containers out of the reach of children; and, (4) keys to the locked storage area of firearms, other types of dangerous weapons, trigger guards, and ammunition shall be kept in the secure possession of an adult or reasonably secure from children.

(Effective February 20, 1997)

Section 17-145-142 Animals

All animals in the foster family or prospective adoptive family shall be kept in a safe and sanitary manner and shall be in compliance with all statutes and regulations regarding vaccination, and generally accepted veterinary care.

(Effective February 20, 1997)

Section 17a-145-143 Health Standards for Foster or Prospective Adoptive Parents and Members of the Household

(a) The health of persons living in the foster or prospective adoptive family shall not present a hazard to the children. Prior to licensure or approval applicants to become a foster family or prospective adoptive family shall supply a statement from a physician on such forms as approved by the commissioner or child placing agency that within the previous twelve (12) months:

(1) Each person living in the home has had a physical examination and has been found to be in good health or that specified members of the family are receiving all necessary continuing medical care and are free of communicable disease; and

(2) the parents have been determined to be physically and mentally able to provide care to children.

(b) Once licensed, foster or prospective adoptive parents shall notify the department whenever they or a member of the household develop a physical or mental infirmity which may interfere with their ability to care for and meet the needs of the child.

(c) The department or child placing agency may require a physical, mental or psychological examination of any member of the foster or prospective adoptive

household if such person exhibits characteristics or behaviors which indicate or could indicate that they are unable to provide for the care of the child. Such examination shall be done at the expense of the department or child placing agency if such person is uninsured.

(Effective February 20, 1997)

Section 17a-145-144 Character Standards for Foster or Prospective Adoptive Parents and Members of the Household

Foster and prospective adoptive parents and others members of the household shall be of good character, habits and reputation.

(Effective February 20, 1997)

Section 17a-145-145 Change in Licensed Conditions

Foster and prospective adoptive parents shall notify the department or child placing agency, in writing, prior to or not later than one (1) business day following any change in circumstance or member of the household which alters the statement of fact made in the application for licensure or approval or which effect the ability of the foster or prospective adoptive parent to provide on-going care of the child.

(Effective February 20, 1997)

Section 17a-145-146 Reporting of the Injury, Illness, Death, Fire or Absence of a Child From Placement

Foster and prospective adoptive parents shall report to the department or child placing agency, by telephone, within six (6) hours any serious injury, serious illness or death of a child, any fire in the home or any unauthorized absence of a child.

(Effective February 20, 1997)

Section 17a-145-147 Financial Condition of the Foster or Prospective Adoptive Parent

Foster and prospective adoptive parents shall have an income sufficient to meet the needs of their family. Money received on behalf of the child shall be expended for the care of the child.

(Effective February 20, 1997)

Section 17a-145-148 Substitute Child Care

When all adults in a foster home or prospective adoptive home are employed or otherwise occupied in substantial amount of time away from the foster home or prospective adoptive home, the plans for care and supervision of the child shall be provided by a competent individual and approved in advance by the commissioner or his designee.

(Effective February 20, 1997)

Section 17a-145-149 Cooperation with the Department's Treatment Plan

(a) Foster parents shall comply with the treatment plan for the child and work cooperatively with the department or child placing agency in all matters pertaining to the child's welfare.

(b) Foster parents shall accept, cooperate with and support arrangements made for the child to have contact including visits and correspondence with the child's biological family in keeping with the frequency indicated by the treatment plan. Visits between children and biological parents shall take place in the foster home unless it is deemed not to be in the best interest of the child or foster family. Foster parents shall be active participants in reunification of the child with the child's biological family.

(Effective February 20, 1997)

Section 17a-145-150 Limitation on the Number of Licenses or Approvals Allowed

A foster or prospective adoptive family shall be approved only by a child placing agency. No foster or prospective adoptive home shall possess more than one (1) license or approval for adoption or other form of out of home care either through the department, an entity licensed by the department or licensed or otherwise approved through any other entity. No foster or prospective adoptive family shall hold dual licensure or approval. No licensed or approved foster or prospective adoptive family shall accept, on a private basis, another child for placement.

(Effective February 20, 1997)

Section 17a-145-151 General Requirements of Foster and Prospective Adoptive Parents

(a) Foster and prospective adoptive parents shall be physically, intellectually and emotionally capable of providing care, guidance and supervision of the child including:

- (1) Insuring routine medical care, scheduling and transportation;
- (2) obtaining and following instructions from the child's medical provider if medication or treatment are to be administered by the foster or prospective adoptive parents. Any medications provided shall be clearly labeled and kept out of the reach of children;
- (3) establishing plans to respond to illness and emergencies, including serious injuries and the ingestion of poison, with appropriate first aid supplies available in the home out of reach of the children;
- (4) maintaining all documentation as required by the department;
- (5) providing for the child's physical needs including adequate hygiene, nutritional meals and snacks prepared in a safe and sanitary manner, readily available drinking

water, a balanced schedule of rest, active play, indoor and outdoor activity appropriate to the age of the child in care;

(6) promoting the social, intellectual, emotional, and physical development of each child by providing activities that meet these needs or special needs if such exist;

(7) assuring adequate opportunity for cultural, and educational activities in the family and in the community. Children who do not share the same language, as their caretaker shall be provided with opportunities to practice their native language as they become bilingual or multi-lingual;

(8) assuring an environment of tolerance and sensitivity to a child's religion through providing adequate opportunity for religious training and participation appropriate to the child's religious denomination, and not requiring any child to participate in religious practices contrary to the child's beliefs;

(9) providing emotional support and an environment that meets the child's ethnic and cultural needs;

(10) assuring the child's participation in an approved education program, including regular school attendance. The foster or prospective adoptive parents shall cooperate with the proper authorities in relation to the child's educational needs;

(11) guiding the child in the acquisition of daily living skills including the assigning of daily chores to the child on the basis of the child's abilities and developmental level; and

(12) providing infants and toddlers with ample opportunity for freedom of movement each day outside of a crib or playpen, infants are to be held for all bottle feedings, as well as at other times, for attention and verbal communication.

(b) Foster and prospective adoptive parents, members of the household, substitute care providers, and other persons having regular access to children in the home shall give the child humane and affectionate care. They shall be a positive role model to the child and instruct the child in appropriate behavior. They shall establish limits and assist the child to develop self control and judgment skills. Children in the home shall be encouraged to assume age-appropriate responsibility for their decisions and actions.

(c) Discipline shall be appropriate to the child's age and level of development. Foster and prospective adoptive parents shall not use physically or verbally abusive, neglectful, , humiliating. frightening or corporal punishment, including but not limited to spanking, cursing or threats.

(d) When unusual circumstances require continued or frequent use of physical or mechanical restraints prior written approval shall be obtained from the commissioner or his designee.

(e) Licensed or approved foster and prospective adoptive parents shall complete all assessment and training requirements as prescribed by the department or child placing agency.

(f) The department or child placing agency may consider any unusual circumstances including but not limited to the health demands of other members of the household which may detract from the attention, structure and time required by a foster or prospective adoptive child.

(Effective February 20, 1997)

Section 17a-145-152 Criminal History; Pending Criminal Actions; History of Child Abuse or Neglect

(a) The granting of a license or approval shall be denied if any member of the household of a foster family or prospective adoptive family:

- (1) Has been convicted of injury or risk of injury to minor or other similar offenses against a minor
- (2) has been convicted of impairing the morals of a minor or other similar offenses against a minor;
- (3) has been convicted of violent crime against a person or other similar offenses;
- (4) has been convicted of the possession, use, or sale of controlled substances within the past five (5) years;
- (5) has been convicted of illegal use of a firearm or other similar offenses;
- (6) has ever had an allegation of child abuse or neglect substantiated; or
- (7) has had a minor removed from their care because of child abuse or neglect.

(b) The renewal of a license or approval may be denied if any member of the household of a foster family or prospective adoptive family:

- (1) Has been convicted of injury or risk of injury to a minor or other similar offenses against a minor;
- (2) has been convicted of impairing the morals of a minor or other similar offenses against a minor;
- (3) has been convicted of violent crime against a person or other similar offenses;
- (4) has been convicted of the possession, use, or sale of controlled substances;
- (5) has been convicted of illegal use of a firearm or other similar offenses;
- (6) has ever had an allegation of child abuse or neglect substantiated; or
- (7) has had a minor removed from their care because of child abuse or neglect.

(c) The granting or renewal of a license or approval may be denied if any member of the household of a foster family or prospective adoptive family:

(1) Is awaiting trial, or is on trial, for charges as described in

subdivisions (1) through (5) of subsection (a) of this section;

(2) has a criminal record that the department or child placing agency believes makes the home unsuitable; or

(3) has a current child abuse or neglect allegation pending;

(d) No approval shall be renewed if the holder of such approval knowingly arranges for the substitute care of a child by a person described in subsection (a) or (c) of this section.

(Effective February 20, 1997)

Section 17a-145-153 Achieving compliance with regulatory requirements

(a) In the event that a foster family is found to be in non-compliance with any statutes or regulations the department shall identify in writing within twenty (20) business days of the determination of non-compliance the sections of the statutes or regulations in which such person is not in compliance.

(b) The foster family shall be given twenty (20) business days to show compliance with the statutes or regulations. When such person cannot demonstrate compliance within twenty (20) business days the commissioner or his designee may provide such person the opportunity to submit a written plan to the department outlining steps which will be taken to achieve compliance.

(c) Upon approval by the commissioner or his designee of a written plan to achieve compliance with all relevant statutes and regulations a foster family may be issued a provisional license. Each provisional license may be in force for up to a period of up to sixty (60) days per license. Additional provisional licenses may be issued for additional periods of up to sixty (60) days if adequate progress towards compliance as outlined in the written plan is being demonstrated. The total period for which a foster family may be issued provisional licenses shall not exceed one (1) year.

(d) In accordance with section 17a-151 of the Connecticut General Statutes a provisional license or a provisional approval may be revoked, suspended, denied or its renewal refused if the foster family does not supply a satisfactory plan for achieving compliance with all relevant regulations, does not make good faith efforts to achieve compliance, or does not achieve compliance within a period of not more than one (1) year.

(e) The commissioner or his designee shall not grant the opportunity for the submission of a written plan if the nature or severity of the non compliance is such that the commissioner or his designee determine that compliance is not achievable within a reasonable time period or would require such involvement by the department that the relative cost/benefit would be fiscally imprudent on the part of

the department. The department shall document such instances when the opportunity to submit a written plan is not granted.

(f) If the department revokes, suspends, denies or refuses to renew a license pursuant to subsection(d) of this section or does not grant the submission of a plan pursuant to subsection (e) of this section the department shall provide the foster family with documentation of the nature of the non-compliance and the reasons for the department's action. The department shall promptly institute proceedings for revocation or non-renewal of such license.

(Effective February 20, 1997)

Section 17a-145-154 Causes for, denying, revoking or refusing to renew a license.

(a) A license or approval may be denied, revoked, or its renewal refused if the applicant or holder of such license or approval:

(1) Fails to comply with applicable statutes and regulations regarding child care and child placement;

(2) fails to comply with applicable state and local laws, ordinances, rules and regulations relating to building, health, fire protection, safety, sanitation and zoning;

(3) violates any of the provisions under which the license or approval has been issued or granted;

(4) furnishes or makes any false or misleading statements to the commissioner or child placing agency in order to obtain or retain a license or approval;

(5) refuses or fails to submit reports or make records available when requested by the commissioner, designee or child placing agency; or

(6) fails or refuses to admit to the property or to discuss regulatory issues with the commissioner or his designee or child placing agency as required in section 17a-145-135 of the Regulations of Connecticut State Agencies.

(Effective February 20, 1997)

Section 17a-145-155 Summary Suspension

If the department has reason to believe that a threat to the health or welfare of a child or children placed in a foster or prospective adoptive home exists, the department may summarily suspend the license or approval. The department shall immediately remove any foster or prospective adoptive child residing in a foster or prospective adoptive home which has had its license or approval summarily suspended. Any licensed foster or prospective adoptive home which has been issued a summary suspension shall be immediately notified by mail of its right to a hearing on the issue of summary suspension pursuant to section 17a-145-157 of the Regulations of Connecticut State Agencies. If the licensed foster or prospective adoptive home requests a hearing within ten (10) days of notification such hearing

shall be held within thirty (30) days. If no hearing is requested the recommended action of the department is accepted. Regardless of a request for a hearing no additional children shall be placed in a foster or prospective adoptive home under summary suspension until a final decision is rendered on the matter.

(Effective February 20, 1997)

Section 17a-145-156 Child Placing Agency Hearing

Any approved foster or prospective adoptive family may request a review, hearing or other method of appeal as shall be provided for by the child placing agency seeking any type of administrative hold, suspension, revocation or refusal to renew an approval granted a foster or prospective adoptive family.

(Effective February 20, 1997)

Section 17a-157 Hearing on Summary Suspension, Revocation or Non-Renewal of License.

Any licensed foster or prospective adoptive home may, within ten (10) days after receipt by mail of notice of summary suspension, intended revocation or refusal to renew a license, request an administrative hearing concerning licensure in accordance with the Uniform Administrative Procedures Act, Chapter 54, Connecticut General Statutes. Summary suspension, intended revocation or refusal to renew a license shall be stayed until such hearing is held except in the case of an emergency removal. If no hearing is requested the recommended action of the department is accepted.

(Effective February 20, 1997)

Section 17a-145-158 Disposition of license or approval documentation

In the case that any changes to the specifications set forth on license or approval documentation are made, a new assessment of the foster or prospective adoptive family shall be conducted by the department: A new license or approval documentation may be issued. In the event that a license or approval is revoked the revoked license or documentation of approval shall be returned to the department or child placing agency.

(Effective February 20, 1997)

Section 17a-145-159 Waiver of Requirements for a Foster of Prospective Adoptive Family

A foster or prospective adoptive family shall comply with all relevant regulations unless a waiver for specific requirements of such regulations has been granted by the commissioner or his designee. A waiver shall only be issued if a foster or prospective adoptive family is in substantial compliance with the relevant regulations being exempted or that the specific requirement to be exempted will be satisfactorily achieved in a manner other than that prescribed by the requirement. A waiver shall specify the particular requirements to be exempted, the duration of the exemption and the terms under which the exemption is granted. If the foster or prospective

adoptive family fails to comply with the waiver in any way the agreement shall be subject to immediate cancellation.

(Effective February 20, 1997)

Section 17a-145-160 Limitations to Number of Placements in One Foster or Prospective Adoptive Family

(a) Children shall not be placed in a foster family or prospective adoptive family if that placement shall result in: (1) More than three foster or prospective adoptive children in that foster family or prospective adoptive family; (2) a total of six children including the foster or prospective adoptive family's natural and adoptive children; (3) more than two children under two years of age; or (4) more than three children under six years of age, except in the case of siblings as provided for in subsection (b) of this section.

(b) The commissioner or a department regional administrator, for their specific region, may authorize a placement which exceeds the population limitations proscribed in subsection (a) of this section, only if such placement is done to keep sibling groups together and such placement does not exceed the population levels of local ordinance as provided for in subsection (d) of this section.

(c) The commissioner may authorize the placement of a child or children which exceeds the population limitations proscribed in subsection (a) of this section in special circumstances as deemed appropriate by the commissioner if such placement does not exceed the population levels of local ordinance as provided for in subsection (d) of this section.

(d) When local ordinances specify that a smaller number of children may be in care than is provided for in subsection (a) of this section or as may be provided for by subsections (b) and (c) of this section, the local ordinance shall prevail.

(e) Notwithstanding the provisions of subsections (a), (b) and (c) of this section a foster family or prospective adoptive family shall not care for more than two (2) non-ambulatory children who are incapable of self-preservation.