

**FOSTER CARE LICENSING COMMITTEE
BY-LAWS**

of the

Absentee Shawnee Tribe of Oklahoma

Prepared By

**Foster Care Licensing Committee
of the
Absentee Shawnee Tribe of Oklahoma**

Revised 9/2008

CHAPTER ONE

FOSTER CARE LICENSING COMMITTEE

Article 101. COMMITTEE CREATED - NUMBER OF MEMBERS

The affairs of the Committee shall be composed of five (5) members.

Article 102. APPOINTMENT PROCESS OF COMMITTEE MEMBERS

The Committee Members shall be appointed, and may be reappointed by the Governor with the advice and consent of the Absentee Shawnee Executive Committee expressed resolution. A resolution of the Executive Committee signed by the Governor, attested to by the Tribal Secretary, as to the appointment or reappointment of any Committee Member shall be conclusive evidence of the due and proper appointment of the Committee Member.

Article 103. QUALIFICATIONS OF COMMITTEE MEMBERS

- (a) A Committee Member may be a member of the Tribe.
- (b) No person shall be barred from serving on the Committee because s/he is an employee, or operates a Foster Home under a State or Tribal license.
- (c) Each Committee Member shall be at least eighteen (18) years of age and legally capable of entering into a binding contract.
- (d) No person who has been convicted of a felony or other crime involving embezzlement, fraud or moral turpitude shall serve on the Foster Care Licensing Committee. As of May 30th, 2001, background checks will be necessary for each new and/or reappointed existing committee member.
- (e) Each Committee Member shall take an oath to support and defend the Constitution, Rules and Regulations of the Absentee Shawnee Tribe.
- (f) It is strongly recommended each Committee Member complete the application process to become an Emergency Protective Foster Home and therefore be licensed through the Tribe.

Article 104. TERM OF OFFICE

The term of office shall be determined by the Absentee Shawnee Executive Committee.

Article 105. OFFICERS

The Committee shall elect from its members a Chairperson, Vice-Chairperson and a Secretary. The officers shall serve as officers at the pleasure of the Committee.

Article 106. QUORUM

Three (3) members of the Committee shall constitute a quorum.

Article 107. DUTIES OF OFFICERS/MEMBERS

- (a) The Chairman shall preside at meetings of the Committee, and shall generally be responsible for the efficient and orderly functions of the Absentee Shawnee Tribe Foster Care Licensing Committee.
- (b) The Vice-Chairman shall assume the duties of the Chairperson in his/her absence, or upon his/her failure, neglect or refusal to undertake the duties required or delegated by law.
- (c) The Secretary shall keep complete and accurate records of all meetings and actions of the Committee. All minutes are public information and will be maintained by and in the Indian Child Welfare office. All executive session minutes will be kept by the Indian Child Welfare office, minutes are confidential information and kept in a secure area.
- (d) Foster Care Licensing Committee Officers/Members must attend a minimum of two (2) meetings per year. If a committee officer/member does not regularly attend meetings, the Foster Care Licensing Committee can make a request to the Absentee Shawnee Executive Committee to appoint a new committee officer/member.

Article 108. MEETINGS

- (a) Regular meetings of the Committee shall be held at such regular times, dates and places as may be established by the Committee.

- (b) Special meetings of the Committee may be held at the call of the Chairperson and held at such time, date and place as may be announced.

CHAPTER TWO

POWERS OF THE FOSTER CARE LICENSING COMMITTEE

Article 201. GENERAL POWERS

The Absentee Shawnee Tribe Foster Care Licensing Committee shall be generally charged with the administration and enforcement of all Tribal Rules, Regulations, Procedures and any agreements involving Foster Homes, Foster Care, or Foster Placement agreements. Incidental to such authority, the Committee shall have the power to:

- (a) Issue licenses to Foster Homes within the jurisdiction of the Absentee Shawnee Tribe;
- (b) Suspend or revoke licenses issued to Foster Homes within the jurisdiction of the Absentee Shawnee Tribe;
- (c) Administer oaths, conduct hearings and by subpoena to compel the attendance of witnesses and the production of any records or other information relating to the administration or enforcement of these by-laws;
- (d) Make, prescribe, publish and enforce written rules and regulations that are consistent with the standards and procedures purpose statement and that provides for its internal operation; and
- (e) Make and present recommendations to the Executive Committee regarding these by-laws, Foster Care/Home services, any agreements, or any improvements needed in providing such care to children.

CHAPTER THREE

LICENSING PROCEDURES

Article 301. APPLICATIONS

- (a) It shall be the responsibility of the Indian Child Welfare Program of the Absentee Shawnee Tribe, with the advice and consent of the Foster Care Licensing Committee to develop and distribute application forms by which interested individuals or families may apply for licensure as Foster Homes and/or Parent(s).
- (b) Each application form shall include a copy of the Standards for licensure.
- (c) Completed applications may be returned by the applicant to the Indian Child Welfare Program.

Article 302. APPLICATION VERIFICATION

Upon receipt of a completed application for licensure, it shall be the responsibility of the Indian Child Welfare Worker to verify the information contained in the application. This verification shall include, but not limited to:

- (a) Checking all references provided in the application.
- (b) Making at least one visit in the home of the applicant.
- (c) Ensuring the OSBI fingerprint results are on file.
- (d) Ensuring enlarged and legible copies of the social security cards of applicant(s) are on file.
- (e) Any other verification procedures as determined by the Foster Care Licensing Committee.

Article 303. CONSIDERATION BY FOSTER CARE LICENSING COMMITTEE

- (a) Upon completion of the application verification process, the Indian Child Welfare Worker shall recommend to the Foster Care Licensing Committee whether or not a license should be issued.

- (b) Upon receipt of the recommendation from the Indian Child Welfare Worker the Foster Care Licensing Committee shall:
 - (1) Conduct a personal interview with both applicants (husband and wife). Should either applicant not be available, the interview will be rescheduled.
 - (2) Issue or deny a Foster Home license.
 - (3) Postpone consideration of licensure pending the receipt of additional information.
- (c) Any action to issue a Foster Home license shall require the unanimous vote of the Foster Care Licensing Committee present at the meeting at which the action is taken.
- (d) Any action to deny issuance of a Foster Home license or to postpone consideration pending receipt of additional information shall be made by a simple majority of the Foster Care Licensing Committee present.
- (e) If the Foster Care Licensing Committee denies issuance of a license to any applicant, the applicant shall be informed in writing of the reason(s) for the denial and what specific action(s) must be taken to become eligible for licensure.
- (f) If the Foster Care Licensing Committee postpones consideration of licensure pending the receipt of additional information, the Foster Care Licensing Committee shall inform the Indian Child Welfare Worker as to what additional information it requires. The additional information shall be obtained by the Indian Child Welfare Worker and the application considered by the Foster Care Licensing Committee as soon as is practicable.

Article 304. PROCEEDINGS AND CONFIDENTIAL RECORDS

The Foster Care Licensing Committee shall meet in executive session, with only members of the Committee and the Indian Child Welfare Worker present, to consider the issuance of any Foster Home license. The discussions and actions of the Foster Care Licensing Committee during which licensure was considered and all licensure application materials are confidential and shall

not be disclosed, unless by an order of the Absentee Shawnee Court.

Article 305. ISSUANCE OF LICENSE

- (a) Upon approval for licensure as herein provided, the Foster Care Licensing Committee shall issue a Foster Care License to the applicant. Said license shall contain but is not limited to the following:
 - (1) The name of the individual or family to which the license is issued.
 - (2) The address of the residence of the individual or family to which the license is issued.
 - (3) The date the license is issued and the period of the license's duration.
 - (4) The name of the licensing authority: the Foster Care Licensing Committee of the Absentee Shawnee Tribe.
 - (5) The signatures of the Foster Care Licensing Committee
- (b) Upon issuance of a license as a Foster Home, the licensee shall receive in writing a copy of all information regarding their duties, responsibilities and rights as defined by the Foster Care Licensing Committee or as required by the Tribal/State Foster Care Agreement.
- (c) Licenses of Foster Homes as herein provided shall be for a time period of one (1) year. Provisional licenses shall be for six (6) months.
- (d) Emergency, (not to exceed four (4) nights), licenses shall be for one (1) year and compensation will be paid on a case by case basis (the State does not pay for emergency licensure. Other sources of funding may be sought as such times).

CHAPTER FOUR

SURRENDER, SUSPENSION AND REVOCATION OF LICENSE

Article 401. NECESSITY OF MAINTAINING STANDARDS

It is the responsibility of each licensed foster home to insure that it maintains the standards established by the Absentee Shawnee Tribe.

Article 402. SURRENDER OF FOSTER HOME LICENSE

Any foster home licensed by the Absentee Shawnee Tribe as provided herein may voluntarily surrender said license.

Article 403. REVOCAION/SUSPENSION OF FOSTER HOME LICENSE

- (a) The Foster Care Licensing Committee shall have the final authority to revoke/suspend the license of any Foster Home for failure to maintain the standards approved and by the Foster Care License Committee.
- (b) A Foster Home whose license has been suspended will be provided in writing with the specific actions(s) needed for reinstatement of the license and a time period in which such action(s) must be taken.
- (c) A Foster Home whose license is suspended and which does not take the necessary action(s), may have its license revoked.
- (d) The decision to suspend a foster home license may be made by a simple majority of the Foster Care Licensing Committee members present.
- (e) Making misrepresentations to the Foster Care Licensing Committee in its application for licensure and/or throughout the license monitoring process.
- (f) Conviction of a Felony of the licensee or a member of the licensee's household or any other crime involving violence, dishonesty or moral turpitude.
- (g) Revocation/Supervision of a Foster Home license shall require a full hearing before the Foster Care Licensing Committee pursuant to the following procedures:
 - (1) The licensee shall be given seven (7) calendar days written notice that a hearing to revoke the licensee's license is scheduled. Said licensee may appear at the hearing.
 - (2) Said notice shall inform the licensee of the specific reason(s) that suspension revocation of its Foster Home license is being

considered.

- (3) The licensee shall be provided with the opportunity to appear before the Foster Care Licensing Committee to explain why the licensee's license should not be revoked/suspended.
 - (4) Failure to appear by the licensee before the Foster Care Licensing Committee shall not delay the action of the Foster Care Licensing Committee who is authorized to revoke/suspend the Foster Home license.
 - (5) The decision to revoke/suspend a license pursuant to these procedures may be made by a simple majority of the Foster Care Licensing Committee members present.
- (h) Revocation/Suspension of a Foster Home license as herein provided shall render the individual of family whose license is so revoked ineligible for licensure and further consideration for Foster Home licensure by the Absentee Shawnee Tribe for a period of one (1) calendar year at the time of revocation/suspension.