

10A NCAC 70B .0102 ELIGIBILITY

(a) A county department of social services may determine a child eligible for foster care assistance payments if the following factors are established:

- (1) The child has been removed for any reason from his own home or from the home of a specified relative by a judicial determination and placed in foster care as a result of that determination;
- (2) The placement of the child in foster care has occurred pursuant to a voluntary placement agreement entered into by the parents or guardians of the child and such placement has not been in excess of 90 consecutive days unless there has been a judicial determination by a court of competent jurisdiction (within the first 90 days of such placement) to the effect that such placement is in the best interest of the child. If the voluntary placement agreement is continued for the second 90 day period, a new voluntary placement agreement must be completed and signed by all parties. The agency must file a juvenile petition and a hearing must be held before the end of the second 90 day period, or the child must be returned home;
- (3) Responsibility for care and placement of the child is designated to the county department of social services by either the court order removing him from his home or by the voluntary placement agreement signed by the parent or guardian;
- (4) The child lives in:
 - (A) a foster care facility under the supervision of a county department of social services and licensed by the Department of Health and Human Services;
 - (B) a private child caring institution which is licensed or approved by the Department of Health and Human Services and which is in compliance with Title VI of the Civil Rights Act;
 - (C) a private group home which is licensed or approved by the Department of Health and Human Services and which is in compliance with Title VI of the Civil Rights Act;
 - (D) a foster care facility which is under the auspices of a licensed or approved private child caring institution, provided such foster care services program has been licensed by the Department of Health and Human Services and is in compliance with Title VI of the Civil Rights Act;
 - (E) a foster care facility under the supervision of a private child placing agency (including those providing adoption services) and licensed by the Department of Health and Human Services; or
 - (F) a foster care facility located in another state, provided such facility is in compliance with Title VI of the Civil Rights Act and is licensed or approved in the other state, and provided such placement has been approved under the appropriate interstate placement procedure;
- (5) The child is in need of care which is not available in his own home or the home of a relative;
- (6) The child is less than 18 years of age and is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and may reasonably be expected to complete the program before reaching age 19; or
- (7) The child is less than 21 years of age and is a full-time student or has been accepted for enrollment as a full-time student for the next school term pursuing a high school diploma or its equivalent, a course of study at the college level; or a course of vocational or technical training designed to fit him for gainful employment.

(b) Court action terminating parental rights shall not render a child ineligible for foster care assistance benefits if that child is otherwise eligible. A child may be eligible for foster care assistance benefits until the final decree of adoption is issued.

*History Note: Authority G.S. 108A-24; 108A-48; 108A-49; 143B-153;
Eff. July 1, 1982;
Amended Eff. April 1, 2003.*