

SUBCHAPTER 70E – LICENSING OF FAMILY FOSTER HOMES

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History Note: Authority G.S. 131D, Art. 1A; 131D-10.5; 143B-153;
Eff. February 1, 1976;
Readopted Eff. October 31, 1977;
Amended Eff. July 18, 2002; May 1, 1990;
Repealed Eff. September 1, 2007.

10A NCAC 70E .0106 AGENCY FOSTER PARENT AGREEMENT

History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. July 1, 1983;
Amended Eff. July 18, 2002; May 1, 1990;
Repealed Eff. September 1, 2007.

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History Note: Authority G.S. 131D, Art. 1A; 131D-10.5; 143B-153;
Eff. February 1, 1976;
Readopted Eff. October 31, 1977;
Amended Eff. July 18, 2002; May 1, 1990;
Repealed Eff. September 1, 2007.

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History Note: Authority G.S. 131D, Art. 1A; 131D-10.3; 131D-10.5; 143B-153;
Eff. July 1, 1982;
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Amended Eff. July 18, 2002;
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Amended Eff. August 1, 2004;
Repealed Eff. September 1, 2007.

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History Note: Authority G.S. 131D-10.5; 143B-153;

Eff. July 1, 1982;
Amended Eff. May 1, 1990; May 1, 1994; July 1, 1983;
Temporary Amendment Eff. February 14, 2002;
Amended Eff. July 18, 2002;
Repealed Eff. September 1, 2007.

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History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. July 1, 1983;
Amended Eff. July 18, 2002; July 1, 1997; May 1, 1990;
Repealed Eff. September 1, 2007.

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History Note: Authority G.S. 131D-10.5; 143B-153;
Temporary Adoption Eff. January 1, 1996;
Eff. April 1, 1997;
Temporary Amendment Eff. October 28, 1997;
Amended Eff. April 1, 1999;
Temporary Amendment Eff. February 1, 2002;
Amended Eff. July 18, 2002;
Repealed Eff. September 1, 2007.

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History Note: Authority G.S. 131D, Art. 1A; 131D-10.5; 143B-153; (See S.L. 2002-164);
Eff. July 1, 1982;
Amended Eff. May 1, 1990; February 1, 1986; April 1, 1984; July 1, 1983;
Temporary Amendment Eff. February 1, 2002;
Amended Eff. July 18, 2002;
Temporary Amendment Eff. July 1, 2003;
Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on October 16, 2003;
Repealed Eff. September 1, 2007.

10A NCAC 70E .0510 REPORTS OF ABUSE AND NEGLECT

History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. April 1, 1987;
Amended Eff. July 18, 2002;
Repealed Eff. September 1, 2007.

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History Note: Authority G.S. 131D-10.3; 131D-10.5; 143B-153; S.L. 1993, c. 769, s. 25.11;
Temporary Adoption Eff. January 1, 1996 (Rule .0511);
Eff. April 1, 1997;
Temporary Amendment Eff. October 28, 1997;
Amended Eff. July 18, 2002; April 1, 1999;
Repealed Eff. September 1, 2007.

SECTION .0600 – GENERAL

10A NCAC 70E .0601 SCOPE

- (a) The North Carolina Department of Health and Human Services, Division of Social Services is the licensing authority for family foster homes and therapeutic foster homes.
- (b) The rules in this Subchapter apply to the licensing of family foster homes and therapeutic foster homes and those persons who receive children for the purpose of placement in family foster homes and therapeutic foster homes.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0602 DEFINITIONS

The following definitions shall apply to the rules in Subchapter 70E:

- (1) "Agency" means a child placing agency as defined in G.S. 131D-10.2 that is authorized by law to receive children for purposes of placement in foster homes or adoptive homes.
- (2) "Family Foster Home" has the meaning as defined in G.S. 131D-10.2(8).
- (3) "Family Foster Care" means foster care, as defined in G.S. 131D-10.2(9), that is provided in a family foster home.
- (4) "Licensing Authority" means the North Carolina Division of Social Services.
- (5) "Owner" means any person who holds an ownership interest of five percent or more of an applicant. A person includes a sole proprietor, co-owner, partner or shareholder, principal or affiliate, or any person who is the applicant or any owner of the applicant.
- (6) "Supervising Agency" means a county department of social services or a private child-placing agency that is authorized by law to receive children for purposes of placement in foster homes or adoptive homes. Supervising agencies are responsible for recruiting, training, and supporting foster parents. Supervising agencies recommend the licensure of foster homes to the licensing authority.
- (7) "Therapeutic Foster Care" means a foster home where the foster parent has received additional training in providing care to children with behavioral mental health or substance abuse problems.
- (8) The "reasonable and prudent parent standard" has the meaning set forth in 131D-10.2A

History Note: Authority G.S. 131D-10.1; 131D-10.2A; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. August 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

SECTION .0700 – LICENSING REGULATIONS AND PROCEDURES

10A NCAC 70E .0701 LICENSING AUTHORITY FUNCTION

- (a) The supervising agency shall submit the licensing application for family foster care and therapeutic foster care to the licensing authority. When the licensing authority receives licensing materials, the licensing authority shall review the licensing materials relative to standards, policies, and procedures for licensing. The licensing authority shall communicate with the supervising agency submitting the materials if additional information, clarification or materials are needed to make a decision regarding license approval.

(b) A license is valid for the period of time stated on the license for the number of children specified and for the place of residence identified on the license.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0702 RESPONSIBILITY

(a) Each supervising agency providing foster care services shall assess its applicants and licensees in accordance with 10A NCAC 70E .0802 through .0805. Supervising agencies shall submit to the licensing authority information and reports that are used as the basis of either issuing or renewing a license.

(b) The supervising agency shall submit the following information to the licensing authority within 30 days after any of the following events occur:

- (1) changes in household income;
- (2) criminal charges of any household member;
- (3) changes in the membership of the household;
- (4) change of address; and
- (5) changes in physical or mental health.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. August 1, 2017; November 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0703 NEW LICENSES

(a) The supervising agency shall submit all licensing materials to the licensing authority dated within 180 days prior to submitting an application for a new license. The supervising agency shall submit medical examinations of the members of the foster home to the licensing authority dated within 12 months prior to submitting an application for a new license.

(b) The supervising agency shall submit all licensing application materials required for a license to the licensing authority at one time. The licensing authority shall return incomplete licensing applications to the supervising agency.

(c) The licensing authority shall issue a new license, if approved according to the rules in this Section, effective the date the application and all required materials are received by the licensing authority.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. August 1, 2011; November 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0704 RELICENSURE AND RENEWAL

(a) Materials for renewing a license are due to the licensing authority prior to the date the license expires.

(b) All relicensing materials shall be completed and dated within 180 days prior to the date the supervising agency submits materials for licensure to the licensing authority. Medical examinations of the members of the foster home shall be completed and dated within 12 months prior to submitting materials for relicensure.

(c) All relicensing materials shall be submitted at one time to the licensing authority. The licensing authority shall return incomplete relicensure applications to the supervising agency.

(d) If materials are submitted after the foster home license expires, a license is issued by the licensing authority effective the date the licensing materials are approved by the licensing authority.

(e) When a foster home license is terminated for failure to submit relicensure materials, the licensing authority shall relicense the home if the relicensure materials are submitted to the licensing authority within one year of the date the license was terminated and all requirements are met. After one year, the supervising agency shall submit a new licensure application to the licensing authority.

(f) When a foster home license has been terminated in good standing and the foster family wishes to be licensed again, the licensing authority shall renew the license if there are no changes or the changes meet the requirements of the Rules of this Section. The period of time for this renewed license is from the date the request is received by the licensing authority to the end date of the license period in effect when the license was terminated.

(g) Unless previously licensed foster parents who have not been licensed within the last 24 consecutive months demonstrate mastery of the parenting skills listed in 10A NCAC 70E .1117(1) to the satisfaction of the supervising agency and documented to the licensing authority, the foster parents shall complete the 30 hours of pre-service training specified in 10A NCAC 70E .1117(1).

(h) Unless previously licensed therapeutic foster parents who have not been licensed within the last 24 consecutive months demonstrate mastery of the therapeutic skills listed in 10A NCAC 70E .1117(2) to the satisfaction of the supervising agency and documented to the licensing authority, the therapeutic foster parents shall complete the 10 hours of pre-service training specified in 10A NCAC 70E .1117(2).

(i) The supervising agency shall provide documentation to the licensing authority that trainings for first aid, CPR, and universal precautions are updated.

*History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. August 1, 2011; November 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 70E .0705 CHANGE IN FACTUAL INFORMATION ON THE LICENSE

(a) A license may be changed during the time it is in effect if the change is in compliance with licensing standards.

(b) The supervising agency shall submit supportive data to the licensing authority for the following:

- (1) changes in age range, number of children, and sex; or
- (2) change in residence

(c) A foster home license may not be changed to a residential child-care facility license. The foster home license shall be terminated and materials shall be submitted in accordance with 10A NCAC 70I or 10A NCAC 70J in order to be licensed as a residential child-care facility.

*History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 70E .0706 FOSTER HOME TRANSFER PROCEDURES

(a) A foster home licensed and in good standing with the licensing authority may transfer from the supervision of a county department of social services or a private child-placing agency to the supervision of another county department of social services or private child-placing agency upon request. Procedures for transferring licenses include:

- (1) the current supervising agency providing copies of the most recent mutual home assessment, training, and licensing documents to the receiving supervising agency;
- (2) the current supervising agency notifying the custodian(s) of the foster children placed in the home of the transfer;
- (3) the receiving supervising agency notifying the custodian(s) of the foster children placed in the home of the transfer;
- (4) a Foster Care Facility License Action Request Form from the previous supervising agency that is marked terminated shall be submitted to the licensing authority;
- (5) a Foster Care Facility License Action Request Form from the receiving supervising agency that is marked new license shall be submitted to the licensing authority;
- (6) a cover letter from the previous supervising agency stating they are aware of the transfer shall be submitted to the licensing authority;
- (7) a cover letter from the receiving supervising agency requesting transfer shall be submitted to the licensing authority; and
- (8) a mutual home assessment written by the receiving supervising agency shall be submitted to the licensing authority.

(b) The materials in Paragraph (a) of this Rule shall be submitted to the licensing authority within 90 days after the foster parents request to transfer to another supervising agency.

*History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 70E .0707 TERMINATION

(a) Licenses terminate at the end of the two year license period unless all relicensing materials have been received by the licensing authority prior to the license expiration date.

(b) The licensing authority shall terminate a license before the end of the two year license period if requested by the foster parents.

*History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. November 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 70E .0708 REVOCATION AND DENIAL

(a) The licensing authority may revoke or deny licenses when an agency authorized by law to investigate allegations of abuse or neglect finds the foster parent has abused or neglected a child.

(b) The licensing authority may revoke or deny a license when the foster home is not in compliance with licensing standards in this Subchapter.

(c) The licensing authority shall base the revocation or denial on the following:

- (1) a child's circumstances;
- (2) a child's permanency plan;
- (3) the nature of the non-compliance; and
- (4) the circumstances of the placement.

(d) Foster parents shall be notified in writing of the reasons for the licensing authority's decision to revoke or deny a license. When a license has been revoked, foster parents shall submit their license to the supervising agency so it can be returned to the licensing authority.

(e) The licensing authority may revoke or deny licensure to an applicant who has a finding that will place the applicant on the following:

- (1) Health Care Personnel Registry pursuant to G.S. 131E-256; or
- (2) North Carolina Sex Offender and Public Protection Registry pursuant to Article 27A Part 2 of G.S. 14.

(f) The licensing authority may also deny licensure to an applicant under any of the following circumstances:

- (1) the applicant was the owner of a licensable facility or agency pursuant to Chapter 122C, Chapter 131D, or Article 7 of Chapter 110 of the General Statutes, and that a facility or agency had its license revoked;
- (2) the applicant is the owner of a licensable facility or agency and that facility or agency incurred a penalty for a Type A or B violation under G.S. 122C, Article 3;
- (3) the applicant is the owner of licensable facility or agency that had its license summarily suspended or downgraded to provisional status as a result of violations under G.S. 122C-24.1(a), or G.S. 131D, Article 1A, or had its license summarily suspended or denied under G.S. 110, Article 7;
- (4) the applicant was the owner of a licensable facility or agency pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7, who voluntarily relinquished that facility or agency's license after the initiation of revocation or summary suspension proceedings, or there is a pending appeal of a denial, revocation, or summary suspension of that facility or agency's license; or
- (5) the applicant has as any part of its governing body or management an owner who previously held a license that was revoked or summarily suspended pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7.

(g) The denial of licensure pursuant to Paragraph (f) of this Rule shall be in accordance with G.S. 122C-23(e1) and G.S. 131D-10.3(h). A copy of these statutes may be obtained through the internet at <http://www.ncleg.net/Statutes/Statutes.html>.

(h) Appeal procedures specified in 10A NCAC 70L .0301 are applicable for persons seeking an appeal to the licensing authority's decision to revoke or deny a license. If the action is reversed on appeal, the application shall be approved back to the date of the denied application if all qualifications are met.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. December 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0709 KINDS OF LICENSES

(a) Full License. A full license shall be issued for no more than two years when all licensing requirements are met.

(b) Provisional License.

- (1) A provisional license shall be issued for no more than six months while some below standard component is being corrected.
- (2) A provisional license for the same below standard program component shall not be renewed.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0710 OUT-OF-STATE FACILITIES AND FOSTER HOMES

The use of out-of-state residential child-care facilities and foster homes for the placement of children in the custody of a North Carolina county department of social services shall be in accordance with the following:

- (1) Prior to placement into an out-of-state foster home, group home, child-caring institution, maternity home or any other residential child-care facility, the county department of social services placing the child in the out-of-state facility shall determine that the foster home, group home, child-caring institution, maternity home, or any other residential child-care facility is licensed according to the standards of that state.
- (2) The county department of social services shall monitor the licensing and relicensing of the out-of-state foster home, group home, child-caring institution, maternity home or any other residential child-care facility to ensure that no child for whom they have responsibility is in an unlicensed foster home, group home, child-caring institution, maternity home or any other residential child-care facility.
- (3) The county department of social services shall submit to the licensing authority written documentation that an out-of-state foster home, group home, child-caring institution, maternity home or any other residential child-care facility has been licensed and that an Interstate Compact for the Placement of Children Form for the child to be placed out of state has been signed by both states in order for the foster home, group home, child-caring institution, maternity home or any other residential child-care facility to be issued a license identification number for foster care reimbursement purposes.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

SECTION .0800 - MUTUAL HOME ASSESSMENT

10A NCAC 70E .0801 PURPOSE

(a) The supervising agency shall conduct a mutual home assessment study of the foster home to determine if the home meets the requirements for licensure and is suitable for family foster care of children needing family foster care services or therapeutic foster care of children needing therapeutic foster care services.

(b) The supervising agency shall provide information to applicants that will make it possible for the applicants to make a knowledgeable decision about their interest in pursuing licensure. The supervising agency shall learn enough about the applicants to determine whether the applicants can meet the needs of children and care for children in accordance with licensing requirements. The supervising agency shall also learn enough about the applicants to determine the kind of child they can best serve.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0802 METHOD OF MUTUAL HOME ASSESSMENT

(a) The mutual home assessment shall be carried out in a series of planned discussions between the licensing worker of the supervising agency, the prospective foster parent applicants and other members of the household. The family shall be seen by the licensing social worker in the family's home and in the supervising agency's office.

(b) In an application involving a single applicant, there shall be two separate face-to-face interviews occurring on two different dates. In an application involving joint applicants, there shall be a separate face-to-face interview with each applicant and an additional two face-to-face interviews with both applicants. The two face-to-face interviews shall occur on two different dates. There shall be separate face-to-face interviews with each member of the household 10 years of age or older. Training and group sessions do not count as face-to-face interviews. The assessment process shall be a joint effort of the supervising agency and the applicants to determine the applicants' suitability for providing foster care and the kind of child the applicants can best parent.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. August 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0803 ASSESSMENT PROCESS

(a) The supervising agency shall advise the applicants at the first contact with the agency of the North Carolina licensing requirements for foster care. The supervising agency shall make a decision whether to continue a mutual home assessment.

(b) The supervising agency shall inform the applicants about the services, policies, procedures, standards, and expectations of the agency regarding the provision of foster care services. The applicants shall weigh the responsibilities entailed in providing foster care services and make a decision whether to continue a mutual home assessment.

(c) Mutual Assessment of the Home and the Family:

- (1) The mutual home assessment shall be presented and recorded in such a way that other staff of the supervising agency can make use of the family as a resource for children. The assessment of the home shall indicate whether the home is in compliance with licensing standards.
- (2) A mutual home assessment shall include a family history of applicants, including information about parents, siblings, marriages and family support systems; ability to cope with problems, stress, frustrations, crises, and loss; disciplinary methods used by the applicants' parents; personal experiences of abuse and neglect and domestic violence; criminal convictions; drug or alcohol abuse; emotional stability and maturity; ability to give and receive affection; religious orientation, if any; and educational and employment history.
- (3) A mutual home assessment shall be made of the applicants' skills and abilities to provide care for children as set forth in 10A NCAC 70E .1104(a).
- (4) All members of the household shall be assessed with respect to their commitment to providing care for children.
- (5) The foster home shall be assessed to determine if there is space to accommodate the number of children recommended for the license capacity.
- (6) The foster home applicants shall be assessed with respect to their willingness to participate in shared parenting requirements.

- (7) The foster home applicants shall be assessed with respect to their financial ability to provide foster care.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0804 USE OF REFERENCES

References shall be used to supplement the information obtained through interviews and observation regarding the applicants. All adult members of the foster home shall provide three references to the supervising agency.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0805 PERIODIC REASSESSMENT OF HOME

- (a) A family or therapeutic foster home shall be reassessed annually by the supervising agency.
- (b) Reassessment shall include a mutual assessment with the foster parents of their strengths, skills, and abilities to provide care for children, including ways in which they have met the needs of children placed in their home and areas in which they need further development.
- (c) Any changes in physical set up and in the foster parents' capacities for providing foster care since the original home assessment or previous reassessments shall be documented in the family's record.
- (d) Reassessment shall be used as a tool for biennial relicensing of the home.

History Note: Authority G.S. 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. August 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0806 AGENCY FOSTER PARENT AGREEMENT

The supervising agency Foster Parents Agreement, defining each party's rights and obligations shall be reviewed and signed by the foster parents and the licensing worker at the time of the initial licensing and no less than biennially thereafter.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

SECTION .0900 – FORMS

10A NCAC 70E .0901 LICENSE APPLICATION

Application for a license shall be made on a form provided by the licensing authority. The supervising agency director or his/her designee shall sign the form and thereby indicate both the home meets the licensing standards, and the supervising agency intends to use the home in accordance with the license and provide services to the foster parents. The foster parents shall sign the application indicating their agreement with the information provided, declaring it is true and accurate and understand that according to G.S. 132-1, the information may be furnished to others upon request. The form shall be submitted to the licensing authority at least biennially.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .0902 AGENCY FOSTER PARENTS' AGREEMENT

- (a) Foster parents shall sign an agreement pursuant to which the foster parents shall:
- (1) allow a representative of the supervising agency to visit the home in conjunction with licensing procedures, foster care planning, and placement;
 - (2) accept children into the home only through the supervising agency and not through other individuals, agencies, or institutions;
 - (3) treat a child placed in the home as a member of the family and, when so advised by the supervising agency, support encourage, and enhance the child's relationship with the child's parents or guardian;
 - (4) maintain contact and exchange information with the supervising agency about matters affecting the adjustment of any child placed in the home. The foster parents shall agree to keep these matters confidential and discuss them only with the supervising agency staff member or with other professionals designated by the agency;
 - (5) obtain the permission of the supervising agency if the child is to be out of the home for a period exceeding 72 hours;
 - (6) report to the supervising agency any change of address before it occurs and any of the following within 72 hours of its occurrence:
 - (A) changes in the membership of the household;
 - (B) changes in physical or mental health of any household member;
 - (C) criminal charges against any household member; and
 - (D) changes in the financial resources or income of the household;
 - (7) make no independent plans for a child to visit the home of the child's parents, guardian, or relatives without prior consent from the supervising agency;
 - (8) adhere to the supervising agency's plan of medical care, both for routine care and treatment and for emergency care and hospitalization;
 - (9) provide any child placed in the home with supervision that is appropriate for the child's age, intelligence, emotional make up, and past experiences and adhere to the supervision requirements specified in the out-of-home family services agreement or person-centered plan; and
 - (10) agree to comply with Title VI Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Multiethnic Placement Act, which are incorporated by reference including subsequent amendments and editions.
- (b) The supervising agency shall sign an agreement under which the supervising agency shall:
- (1) assume responsibility for the overall planning for the child and assist the foster parents in meeting their day-to-day responsibility towards the child;
 - (2) inform the foster parents concerning the agency's procedures and financial responsibilities for obtaining medical care and hospitalization;
 - (3) pay the foster parents a monthly room and board payment and, if applicable, a respite care payment for children placed in the home;
 - (4) discuss with the foster parents any plans to remove a child from the foster home;
 - (5) give the foster parents notice before removing a child from the foster home;
 - (6) visit the foster home and child according to the out-of-home family services agreement or person-centered plan and be available to give needed services and consultation concerning the child's welfare;
 - (7) respect the foster parents' preferences in terms of sex, age range, and number of children placed in the home;
 - (8) provide or arrange for training for the foster parents;
 - (9) include foster parents as part of the decision-making team for a child;
 - (10) allow foster parents to review and receive copies of their licensing record; and
 - (11) notify foster parents of their right to obtain personal liability insurance in accordance with G.S. 58-36-44.
- (c) The agreement shall also contain all other provisions mutually agreed by the parties.
- (d) The foster parents and a representative of the supervising agency shall sign and date the agreement initially and at each relicensure. The foster parents and the supervising agency shall retain copies of the agreements.

*History Note: Authority G.S. 131D-10.1; 131D-10.2A; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. August 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 70E .0903 DEPARTMENT OF SOCIAL SERVICES INTERCOUNTY AGREEMENT

(a) Before children are placed in a foster home in a county (the supervising county) other than the county of their home (the responsible county), the two county departments of social services shall agree in writing that the supervising county shall:

- (1) accept responsibility for supervising the child;
- (2) not initiate placement planning for the child without prior agreement from the responsible county, except when an emergency placement in another foster home or licensed facility is necessary;
- (3) immediately inform the responsible county when an emergency placement in another foster home or licensed facility precludes prior approval;
- (4) engage in no treatment or planning relationship with the child's parents, guardian, or relatives, except upon request of the responsible county;
- (5) keep the case confidential; and
- (6) submit to the responsible county, at intervals specified in the agreement, a written evaluation of the child's adjustment.

(b) In the agreement, the responsible county shall agree to:

- (1) make payments for room and board and difficulty of care or respite care, if applicable, to the supervising county in the amounts and at the times specified in the agreement;
- (2) take responsibility for placement of the child;
- (3) make restitution, in accordance with a plan specified in the agreement, for damage that the child causes to the foster parents' property;
- (4) inform the supervising county concerning future planning for the child; and
- (5) write the room and board check in a manner specified in the agreement, in order to protect confidentiality.

(c) The agreement shall specify the manner in which payment for clothes, medical costs, and allowances shall be made.

(d) The agreement shall specify the dates between which the agreement shall be effective. The agreement shall be signed by the directors of the two county departments of social services. The responsible county and the supervising county shall each have a signed copy of the agreement. The responsible county shall provide the children's services program representative with a copy of the signed agreement, if requested.

*History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

SECTION .1000 - CAPACITY

10A NCAC 70E .1001 FOSTER HOME

(a) No more than five children shall reside in any family foster home at any time. These five children include the foster parent's own children, children placed for family foster care, licensed capacity for in-home day care children, children kept for babysitting or any other children residing in the home. Children kept for in-home day care and babysitting are considered residents of the home.

(b) No more than four children including no more than two foster children shall reside in any therapeutic foster home at any time. The four children include the foster parent's own children, children placed for therapeutic foster care, children placed for family foster care or any other children living in the home. Therapeutic foster parents shall not provide in-home day care or baby sitting services in the therapeutic foster home.

(c) Exceptions to the capacity standards in Paragraphs (a) and (b) of this Rule may be made:

- (1) if written documentation is submitted to the licensing authority for family foster care that siblings will be placed together and the foster home complies with Subparagraphs (3) and (4) of this Paragraph. The

- out-of-home family services agreement for each sibling shall specify that siblings will be placed together and shall also address the foster parents' skill, stamina, and ability to care for the children;
- (2) if written documentation is submitted to the licensing authority for therapeutic foster care that siblings will be placed together and the foster home complies with Subparagraphs (3) and (4) of this Paragraph. The person-centered plan or out-of-home family services agreement for each sibling shall specify that siblings shall be placed together and shall also address the foster parents' skill, stamina, and ability to care for the children;
 - (3) if written documentation is submitted to the licensing authority that the foster home complies with 10A NCAC 70E .1108; and
 - (4) if written documentation is submitted to the licensing authority that the foster home complies with 10A NCAC 70L .0102.
- (d) Family foster homes and therapeutic foster homes shall not provide Community Alternative Programs services for Disabled Adults (CAP/DA) as defined in Section 1915(c) of the Social Security Act, unless the disabled adult was placed in the foster home as a Community Alternatives Programs for Children (CAP C) client as defined in Section 1915(c) of the Social Security Act prior to his/her 18th birthday. The disabled adult shall be included in the capacity for the foster home. Family foster homes and therapeutic foster homes shall not provide supervised living services as defined by 10A NCAC 27G .5601.
- (e) Members of the household 18 years old and over and not receiving foster care services are not included in capacity, but there shall be physical accommodations in the home to provide them room and board.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153; Eff. September 1, 2007; Amended Eff. November 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

SECTION .1100 – STANDARDS FOR LICENSING

10A NCAC 70E .1101 CLIENT RIGHTS

- (a) Foster parents shall ensure that each foster child:
- (1) has clothing to wear that is appropriate to the weather;
 - (2) is allowed to have personal property;
 - (3) is encouraged to express opinions on issues concerning care;
 - (4) is provided care in a manner that recognizes the child's cultural values and traditions;
 - (5) is provided the opportunity for spiritual development and is not denied the right to practice his or her religious beliefs;
 - (6) is not identified as a foster child in any way;
 - (7) is not forced to acknowledge dependency on or gratitude to the foster parents;
 - (8) is encouraged to contact and have telephone conversations with family members unless contraindicated in the child's visitation and contact plan;
 - (9) is provided training and discipline that is appropriate for the child's age, intelligence, emotional makeup, and past experience;
 - (10) is not subjected to cruel or abusive punishment, as established in G.S. 7B 101(1) and (15);
 - (11) is not subjected to corporal punishment;
 - (12) is not deprived of a meal or contacts with family for punishment or placed in isolation time-out except when isolation time-out means the removal of a child to an unlocked room or area from which the child is not physically prevented from leaving. The foster parent may use isolation time-out as a behavioral control measure when the foster parent provides it within hearing distance of a foster parent. The length of the isolation time-out shall be appropriate for the child's age, intelligence, emotional makeup, and past experiences;
 - (13) is not subjected to verbal abuse, threats, or humiliating remarks about himself or herself or his or her family;
 - (14) is provided a daily routine in the home that promotes a positive mental health environment and provides an opportunity for normal activities with time for rest and play;

- (15) is provided training in nutrition and personal hygiene. Each child shall be provided food with nutritional content for normal growth and health. Diets prescribed by a licensed medical provider shall be provided;
 - (16) is provided medical care in accordance with the treatment prescribed for the child;
 - (17) of mandatory school age, as established in G.S. 115C-378(a), maintains regular school attendance unless the child has been excused by the authorities;
 - (18) is encouraged to participate in neighborhood and group activities, to have friends visit the home, and to visit in the homes of friends;
 - (19) assumes responsibility for himself or herself and for household duties that are appropriate for the child's age intelligence, emotional makeup, and past experiences. Household tasks shall not interfere with school, sleep, or study periods;
 - (20) is not permitted to do any task that violates child labor laws, as established in G.S. 95-25.5 and Fair Labor Standards Act (FLSA), incorporated by reference including subsequent amendments and editions, or not appropriate for the child's age, intelligence, emotional makeup, and past experiences;
 - (21) is provided supervision that is appropriate for the child's age, intelligence, emotional makeup, and experience;
 - (22) if less than eight years of age or weighs less than 80 pounds, is properly secured in a child passenger restraint system in accordance with the manufacturer's instructions;
 - (23) is protected from disclosure of confidential information about the child or the child's family. Such confidential information shall not be shared unless lawfully authorized; and
 - (24) is encouraged to participate in extracurricular, recreational, enrichment, cultural, and social activities in accordance with G.S. 131D-10.2A.
- (b) Foster parents shall initially and at relicensure sign a Discipline Agreement that specifically acknowledges their agreement as specified in Subparagraphs (a)(9), (10), (11), (12), and (13) of this Rule, as well as discipline requirements outlined in the out-of-home family services agreement or person-centered plan. The foster parents and the supervising agency shall retain copies of these agreements.

History Note: Authority G.S. 131D-10.1; 131D-10.2A; 131D-10.3; 131D-10.5; 143B-153; Eff. September 1, 2007; Amended Eff. August 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1102 MEDICATION

Foster parents are responsible for the following regarding medication:

- (1) General requirements:
 - (a) retain the manufacturer's label with expiration dates visible on non-prescription drug containers not dispensed by a pharmacist;
 - (b) administer prescription drugs to a child only on the written order of a person authorized by law to prescribe drugs;
 - (c) allow prescription medications to be self-administered by children only when authorized in writing by the child's licensed medical provider;
 - (d) allow non-prescription medications to be administered to a child taking prescription medications only when authorized by the child's licensed medical provider; allow non-prescription medications to be administered to a child not taking prescription medication, with the authorization of the parents, guardian, legal custodian, or licensed medical provider;
 - (e) allow injections to be administered by unlicensed persons who have been trained by a registered nurse, pharmacist, or other person allowed by law to train unlicensed persons to administer injections;
 - (f) record in a Medication Administration Record (MAR) provided by the supervising agency all drugs administered to each child. The MAR shall include the following: child's name; name, strength, and quantity of the drug; instructions for administering the drug; date and time the drug is administered, discontinued, or returned to the supervising agency or the person legally authorized to remove the child from foster care; name or initials of person

- administering or returning the drug; child requests for changes or clarifications concerning medications; and child's refusal of any drug; and
 - (g) follow-up for child requests for changes or clarifications concerning medications with an appointment or consultation with a licensed medical provider.
- (2) Medication disposal:
 - (a) return prescription medications to the supervising agency or person legally authorized to remove the child from foster care; and
 - (b) return discontinued prescription medications to a pharmacy or the supervising agency for disposal, in accordance with 10A NCAC 70G .0510(c).
- (3) Medication storage:
 - (a) store prescription and over-the-counter medications in a locked cabinet in a clean, well-lighted, well-ventilated room other than bathrooms, kitchen, or utility room between 59° F (15° C) and 86° F (30° C);
 - (b) store medications in a refrigerator, if required, between 36° F (2° C) and 46° F (8° C). If the refrigerator is used for food items, medications shall be kept in a separate, locked compartment or container within the refrigerator; and
 - (c) store prescription medications separately for each child.
- (4) Psychotropic medication review:
 - (a) arrange for any child receiving psychotropic medications to have his/her drug regimen reviewed by the child's licensed medical provider at least every six months;
 - (b) report the findings of the drug regimen review to the supervising agency; and
 - (c) document the drug review in the MAR along with any prescribed changes.
- (5) Medication errors:
 - (a) report drug administration errors or adverse drug reactions to a licensed medical provider or pharmacist; and
 - (b) document the drug administered and the drug reaction in the MAR.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
 Eff. September 1, 2007;
 Amended Eff. November 1, 2009;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1103 PHYSICAL RESTRAINTS

- (a) Foster parents who utilize physical restraint holds shall not engage in discipline or behavior management that includes:
 - (1) protective or mechanical restraints;
 - (2) a drug used as a restraint, except as outlined in Paragraph (b) of this Rule;
 - (3) the seclusion of a child in a locked room; or
 - (4) physical restraint holds except for a child who is at imminent risk of harm to himself, herself, or others until there is no longer any risk of imminent harm to any party.
- (b) Foster parents shall not administer drugs to a foster child for the purpose of punishment, foster parent convenience, substitution for supervision, or for the purpose of restraining the child. A drug used as a restraint means a medication used only to control behavior or to restrict a child's freedom of movement and is not a standard medication to treat a psychiatric condition.
- (c) Before a foster parent administers physical restraint holds, each foster parent shall complete training that includes 16 hours of initial training in behavior management, including techniques for de-escalating problem behavior, the use of physical restraint holds, monitoring of vital indicators, and debriefing children and foster parents involved in physical restraint holds. Foster parents authorized to use physical restraint holds shall annually complete eight hours of behavior management training, including techniques for de-escalating problem behavior. This training shall count toward the training requirements as set forth in 10A NCAC 70E .1117(6). Only foster parents trained in the use of physical restraint holds may administer physical restraint holds.
- (d) Instructors who train foster parents shall have met the following qualifications and training requirements:
 - (1) demonstrate competence by scoring 100 percent on testing in a training program aimed at preventing, reducing, and eliminating the need for restrictive interventions;

- (2) demonstrate competence by scoring 100 percent on testing in a training program teaching the use of physical restraint;
 - (3) demonstrate competence by scoring a passing grade on testing in an instructor training program as determined by the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services;
 - (4) the instructors' training shall be competency-based and shall include measurable learning objectives, measurable testing (written and by observation of behavior) on those objectives, and measurable methods to determine passing or failing the course;
 - (5) the content of the instructor training shall be approved by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services;
 - (6) be retrained annually and demonstrate competence in the use of physical restraints;
 - (7) be trained in CPR such as those provided by the American Red Cross, American Heart Association, or equivalent organizations. Division staff shall determine that an organization is substantially equivalent if the organization is already approved by the Department or meets the same standard of care as the American Heart Association or American Red Cross. The Division shall not accept web-based trainings for certification in CPR;
 - (8) have been coached in teaching the use of restrictive interventions two times with a positive review by the coach, and instructors shall teach a program on the use of physical restraints once annually; and
 - (9) complete a refresher instructor training at least every two years;
- (e) In administering physical restraints, the following shall apply:
- (1) foster parents shall use only those physical restraint holds approved by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, pursuant to 10A NCAC 27E .0108. Approved physical restraint holds can be found at the following web site: <https://www2.ncdhhs.gov/mhddsas/providers/trainingandconferences/restraints.htm>;
 - (2) a foster parent shall not use physical restraints that will cause a child harm, given their medical condition or any medications that they are taking;
 - (3) no child shall be restrained using a physical object;
 - (4) no child or group of children shall be allowed to participate in the physical restraint of another child;
 - (5) physical restraint holds shall:
 - (A) not be used for purposes of discipline or convenience;
 - (B) be used only when there is imminent risk of harm to the child or others and less restrictive approaches have failed;
 - (C) be administered in the least restrictive manner possible to protect the child or others from imminent risk of harm; and
 - (D) end when there is no longer any risk of imminent harm to any party;
 - (6) The foster parent shall:
 - (A) ensure that any physical restraint hold used on a child is administered by a trained foster parent with a second trained adult in attendance. Concurrent with the administration of a physical restraint hold and for a minimum of 15 minutes subsequent to the termination of the hold, a foster parent shall monitor the child's breathing, ascertain the child is verbally responsive and has motor control and ensure the child remains conscious without any complaints of pain. The supervising agency may seek a waiver from the licensing authority for a foster parent to administer a physical restraint hold without a second trained adult in attendance. The licensing authority shall grant the waiver if it receives a written waiver request; written approval from the child's parent, guardian, or custodian that the administering of a physical restraint hold without a second trained person present is acceptable; written approval from the supervising agency that the foster parent is authorized to administer a physical restraint hold without a second trained person present; documentation that there is approval by the child and family team; and documentation in the person-centered plan or out-of-home family services agreement that it is acceptable for the foster parent to administer a physical restraint hold without a second trained person present;
 - (B) terminate the physical restraint hold or adjust the position to ensure that the child's breathing and motor control are not restricted if at any time during the administration of a physical restraint hold the child complains of being unable to breathe or loses motor control;
 - (C) immediately seek medical attention for the child if at any time it appears to be necessary;

- (D) conduct an interview with the foster child about the incident following the use of a physical restraint hold;
 - (7) The supervising agency shall interview the foster parent administering the physical restraint about the incident following the use of a physical restraint and shall document the incident in a report. Each report shall include:
 - (A) the child's name, age, height, and weight;
 - (B) the type of hold utilized;
 - (C) the duration of the hold;
 - (D) the trained foster parent administering the hold;
 - (E) the trained adult witnessing the hold;
 - (F) the less restrictive alternatives that were attempted prior to utilizing physical restraint;
 - (G) the child's behavior that necessitated the use of physical restraint; and
 - (H) whether the child's condition required medical attention; and
 - (8) Physical restraints where a person ends up in a prone or face down position shall be prohibited.
- (f) Foster parents shall annually receive written approval from the executive director of the supervising agency or his or her designee before administering physical restraint holds. This written approval shall be based upon the executive director's evaluation of the foster parent's historical use of physical restraints. The foster parent shall retain a copy of the written approval and a copy shall be placed in the foster home record.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153; Eff. September 1, 2007; Amended Eff. August 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1104 CRITERIA FOR THE FAMILY

- (a) Foster parents shall be persons whose behaviors, circumstances, and health are conducive to the safety and well-being of children. Foster parents shall be selected on the basis of demonstrating strengths in the skill areas of Subparagraphs (1) through (12) of this Paragraph which permit them to undertake and perform the responsibilities of meeting the needs of children, in providing continuity of care, and in working with the supervising agency. Foster parents shall demonstrate skills in:
- (1) assessing individual and family strengths and needs and building on strengths and meeting needs;
 - (2) using and developing effective communication;
 - (3) identifying the strengths and needs of children placed in the home;
 - (4) building on children's strengths and meeting the needs of children placed in the home;
 - (5) developing partnerships with children placed in the home, parents or the guardians of the children placed in the home, the supervising agency and the community to develop and carry out plans for permanency;
 - (6) helping children placed in the home develop skills to manage loss and skills to form attachments;
 - (7) helping children placed in the home manage their behaviors;
 - (8) helping children placed in the home maintain and develop relationships that will keep them connected to their pasts;
 - (9) helping children placed in the home build on positive self-concept and positive family, cultural, and racial identity;
 - (10) providing a safe and healthy environment for children placed in the home which keeps them free from harm;
 - (11) assessing the ways in which providing family foster care or therapeutic foster care affects the family; and
 - (12) making an informed decision regarding providing family foster care or therapeutic foster care.
- (b) Age. A license may only be issued to persons 21 years of age and older.
- (c) Health. The foster family shall be in good physical and mental health as evidenced by:
- (1) a medical examination completed by a licensed medical provider on each member of the foster home within the last 12 months prior to the initial licensing application date, and biennially thereafter;

- (2) documentation that each adult member of the household has had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider. The foster parents' children are required to be tested only if one or more of the parent's tests positive for TB;
- (3) a medical history form completed on each member of the household at the time of the initial licensing application and on any person who subsequently becomes a member of the household;
- (4) no indication of alcohol abuse, drug abuse, or illegal drug use by a member of the foster family;
- (5) no indication that a member of the foster family is a perpetrator of domestic violence;
- (6) no indication that a member of the foster family has abused, neglected, or exploited a disabled adult;
- (7) no indication that a member of the foster family has been placed on the North Carolina Sex Offender and Public Protection Registry pursuant to Article 27A Part 2 of G.S. 14;
- (8) no indication that a member of the foster family has been placed on the Health Care Personnel Registry pursuant to G.S. 131E-256; and
- (9) no indication that a member of the foster family has been found to have abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child.

(d) Education. Foster parent applicants shall have graduated from high school or received a GED (Graduate Equivalency Diploma) or shall have an ability to read and write as evidenced by their ability to administer medications as prescribed by a licensed medical provider, maintain medication administration logs and maintain progress notes.

(e) Required Applicants. Foster parent applicants who are married are presumed to be co-parents in the same household and both shall complete all licensing requirements. Adults 21 years of age or older, living in currently licensed or newly licensed foster homes who have responsibility for the care, supervision, or discipline of the foster child shall complete all licensing requirements. The supervising agency shall assess each adult's responsibility for the care, supervision, or discipline of the foster child.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. November 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1105 CONFLICT OF INTEREST

(a) County departments of social services and private child-placing agencies shall not supervise foster homes of members of their board of directors, governance structure, social services board, and county commission.

(b) County departments of social services and private child-placing agencies shall not supervise foster homes of agency employees and relatives of agency employees. Relatives include birth and adoptive parents, blood and half blood relative and adoptive relative including brother, sister grandparent, great-grandparent, great-great grandparent, uncle, aunt, great-uncle, great-aunt, great-great uncle, great-great aunt, nephew, niece, first cousin, stepparent, stepbrother, stepsister and the spouse of each of these relatives.

(c) Private child-placing agencies shall not supervise foster homes of their agency owners.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Amended Eff. November 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1106 DAY CARE CENTER OPERATIONS

If a licensed foster parent operates or plans to operate a day care center, the following criteria shall be met:

- (1) the foster home living quarters shall not be part of the day care operation;
- (2) there shall be a separate entrance to the day care operation; and
- (3) staff specified in day care center rules shall be available to provide care for the day care children.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1107 RELATIONSHIP TO SUPERVISING AGENCY

- (a) Foster parents shall agree to work with the supervising agency in the following ways:
- (1) work with the child and the child's parent or guardian in the placement process, reunification process, adoption process, and any change of placement process;
 - (2) consult with social workers, mental health personnel, licensed medical providers, and other persons authorized by the child's parent, guardian, or custodian who are involved with the child;
 - (3) maintain confidentiality regarding children and their parent or guardian;
 - (4) keep records regarding the child's illnesses, behaviors, social needs, educational needs, and family visits and contacts; and
 - (5) report to the supervising agency any changes as required by 10A NCAC 70E .0902.
- (b) In addition to Paragraph (a) of this Rule, foster parents who provide therapeutic foster care services shall:
- (1) be trained as set out in 10A NCAC 70E .1117;
 - (2) allow weekly supervision and support from a qualified professional as defined in 10A NCAC 27G .0104(19); and
 - (3) allow weekly supervision and support from a qualified professional as outlined in 10A NCAC 70G .0503(r).

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153; Eff. September 1, 2007; Amended Eff. August 1, 2017; November 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1108 FIRE AND BUILDING SAFETY

- (a) Each foster home shall be in compliance with all applicable portions of the NC Residential Code in effect at the time the foster home was constructed or last renovated. Information regarding the purchase of all applicable volumes of The North Carolina State Residential Code and referenced standards and codes, can be accessed by reviewing the following web site: (www.ncdoi.com - click on Code Services, click on Code Book Sales) or calling the Code Section within the Department of Insurance at 919-661-5880.
- (b) All homes shall be protected from all fire hazards including the following:
- (1) all hallways, doorways, entrances, ramps, steps, and corridors shall be kept clear and unobstructed at all times;
 - (2) an evacuation plan shall be developed, and all persons in the home shall be knowledgeable of the plan;
 - (3) a mounted "ABC" fire extinguisher with a rating not less than 1-A shall be installed and readily available in the residence;
 - (4) homes built prior to July 1975 shall have a battery or electric smoke alarm installed outside every sleeping area. Homes built between July 1975 and June 30, 1999, shall have electric smoke alarms placed outside sleeping areas as required by the NC Residential Code in effect at construction time. Homes built after June 30, 1999 shall have smoke alarms in every sleeping room, outside bedrooms and other areas, interconnected as required in the NC Residential Code;
 - (5) a Carbon Monoxide (CO) detector shall be installed in homes that use fuel oil products, coal, wood or gas to heat, cool, cook, operate a hot water heater or gas logs;
 - (6) all homes shall have telephone service;
 - (7) no egress door shall have a double keyed dead bolt; and
 - (8) extension cords shall not be used as a substitute for permanent wiring. Extension cords shall be used only for portable appliances and shall be listed by Underwriters Laboratory (UL).

Before a home is licensed, it shall be inspected and receive a passing rating on the fire and building safety inspection report completed by the local fire inspector. Before a home is relicensed, it shall have a current fire and building safety inspection report with a passing rating completed by the local fire inspector.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153; Eff. September 1, 2007;

Amended Eff. November 1, 2009;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1109 HEALTH REGULATIONS

The supervising agency shall have a discussion regarding water quality and sanitation with the applicants. The supervising agency shall document the date the discussion was held and include a statement that the family is not aware of any health hazards caused by the family's water and sanitation facilities. The supervising agency shall ask the family about water testing that has been done and any immediate or past problems concerning water quality and sanitation. As part of the on-site visit, the supervising agency shall observe that the home has running water. As part of the on-site visit, the supervising agency shall observe that the home has a sanitary toilet and bathing facility. Licensure of a foster home shall not be recommended if the supervising agency has any reason to believe the water supply is not safe or the toilet and bathing facilities are not sanitary.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;

Eff. September 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1110 ENVIRONMENTAL REGULATIONS

- (a) The home and yard shall be maintained and repaired so that they are not hazardous to the children in care.
- (b) The house shall be kept free of uncontrolled rodents and insects.
- (c) Windows and doors used for ventilation shall be screened.
- (d) The kitchen shall be equipped with an operable stove and refrigerator, running water and eating, cooking, and drinking utensils to accommodate the household members. The eating, cooking, and drinking utensils shall be cleaned and stored after each use.
- (e) Household equipment and furniture shall be in good repair.
- (f) Flammable and poisonous substances, medications, and cleaning materials shall be stored out of the reach of children placed for foster care.
- (g) Explosive materials, ammunition, and firearms shall each be stored separately, in locked places.
- (h) Documentation that household pets have been vaccinated for rabies shall be maintained by the foster parents.
- (i) Each home shall have heating, air-cooling, or ventilating capability to maintain a range between 65° F (18.3° C) and 85° F (29.4° C).
- (j) Rooms including toilets, baths, and kitchens without operable windows, shall have mechanical ventilation to the outside.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;

Eff. September 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1111 ROOM ARRANGEMENTS

- (a) Each home shall have a family room to meet the needs of the family including children placed for foster care.
- (b) The kitchen shall be large enough for preparation of food and cleaning of dishes. Each home shall have a dining area to meet the needs of the family including children placed for foster care.
- (c) Bedrooms shall be identified on a floor plan as bedrooms and shall not serve dual functions.
- (d) Children shall not be permitted to sleep in an unfinished basement or in an unfinished attic.
- (e) Each child shall have his/her own bed. Each bed shall be provided with a supported mattress, two sheets, blanket, bedspread, and be of size to accommodate the child. No day bed, convertible sofa, or other bedding of a temporary nature shall be used for the exclusive sleeping area of the child except for temporary care for up to two weeks. The sleeping room shall not be shared by children of the opposite sex except by children age five and under. The sleeping arrangements shall provide space within the bedroom for the bed and the child's personal possessions. When children share a bedroom, a child under six shall not share a room with a child over 12, except when siblings are placed together. No more than four children shall share a room.

- (f) Separate and accessible drawer space and closet space for personal belongings and clothing shall be available for each child.
- (g) The home shall have indoor, operable sanitary toilet, hand-washing, and bathing facilities. Homes shall be designed in a manner that will provide children privacy while bathing, dressing, and using toilet facilities.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1112 EXTERIOR SETTING AND SAFETY

The exterior spaces around the foster home, including any yard spaces shall be clear of any dangerous objects or hazardous items including access to water, such as swimming pools, beaches, rivers, lakes, or streams. Access to such hazards shall be avoided by either a fence at least 48 inches high with a locked gate around the hazard, or by a fence at least 48 inches high with a locked gate around the yard and exterior space of the home while still providing play space for children. Access to water in above ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to the children. The supervising agency shall observe and document that the foster parents have taken measures to protect foster children from having unsupervised access to swimming pools, beaches, rivers, lakes, streams, other water sources, or other hazards.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1113 LICENSING COMPLIANCE VISITS

Quarterly Visits. Licensing social workers of supervising agencies shall visit with the foster family on at least a quarterly basis for the specific purpose of assessing licensing requirements. Two of the quarterly visits each year shall take place in the foster home. The licensing social worker may require the remaining visits to occur at a location of the licensing social worker's preference.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. September 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1114 CRIMINAL HISTORIES

- (a) An applicant shall not be licensed if the applicant, or any member of the applicant's household 18 years of age or older, refuses to consent to a criminal history check required by G.S. 131D, Article 1A.
- (b) An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household has been convicted of a felony involving:
- (1) child abuse or neglect;
 - (2) spouse abuse;
 - (3) a crime against a child or children (including child pornography); or
 - (4) a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery.
- (c) An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household has within the last five years been convicted of a felony involving:
- (1) physical assault;
 - (2) battery; or
 - (3) a drug-related offense.
- (d) An applicant or any members of the applicant's household with criminal convictions except those specified in Paragraph (b) of this Rule may be considered for licensure based on the following factors:
- (1) nature of the crime;
 - (2) length of time since the conviction;

- (3) circumstances surrounding the commission of the offense or offenses;
- (4) number and type of prior offenses;
- (5) evidence of rehabilitation;
- (6) age of the individual at the time of the commission of the offense or offenses; and
- (7) letter of support for licensure from the executive director of the agency.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
 Eff. September 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1115 RESPONSIBLE INDIVIDUALS LIST

(a) An applicant is not eligible for licensure if the applicant has within the last five years been substantiated for abuse or serious neglect and is placed on the Responsible Individuals List as defined in North Carolina General Statute 7B-311.
 (b) After five years, an applicant who is on the Responsible Individuals List may be considered for licensure based on the following factors:

- (1) nature of the substantiation;
- (2) length of time since the substantiation;
- (3) circumstances surrounding the substantiation;
- (4) evidence of rehabilitation;
- (5) history of convictions and violations; and
- (6) letter of support for licensure from the executive director of the agency.

(c) The supervising agency shall provide documentation to the licensing authority of the results of Child Abuse and Neglect Central Registry Checks of states where the applicant has resided the past five years.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
 Eff. September 1, 2007;
 Amended Eff. August 1, 2011;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1116 CRIMINAL HISTORY CHECKS

(a) The supervising agency shall complete the following activities at initial licensure for new foster parent applicants and any member of the prospective foster parents' household who is 18 years of age or older:

- (1) furnish the written notice as required by G.S. 131D-10.3A(e);
- (2) obtain a signed consent form for a criminal history check and submit the signed consent form to the Department of Health and Human Services, Criminal Records Check Unit;
- (3) obtain two sets of fingerprints on SBI identification cards and forward both sets of fingerprints to the Department of Health and Human Services, Criminal Records Check Unit. Once an individual's fingerprints have been submitted to the Department of Health and Human Services, Criminal Records Check Unit, additional fingerprints shall not be required;
- (4) conduct a local criminal history check through accessing the Administrative Office of the Courts and the Department of Corrections Offender Population Unified System and submit the results of the criminal history checks to the licensing authority;
- (5) obtain a signed statement that:
 - (A) the individual has no criminal, social or medical history which would adversely affect their capacity to work with children and adults;
 - (B) obtain a signed statement that the individual has not abused or neglected a child, been a respondent in a juvenile court proceeding that resulted in the removal of a child, or had child protective services involvement that resulted in the removal of a child; and
 - (C) obtain a signed statement that the applicant has not abused, neglected, or exploited a disabled adult and has never committed an act of domestic violence upon another person;
- (6) conduct a search of the North Carolina Sex Offender and Public Protection Registry; and
- (7) conduct a search of the North Carolina Health Care Personnel Registry pursuant to G.S. 131E-256.

(b) The supervising agency shall conduct a local criminal history check through accessing the Administrative Office of the Courts and the North Carolina Department of Public Safety, Division of Adult Correction, Offender Information and submit the results of the criminal history checks to the licensing authority at relicensure for foster parents and any member of the prospective foster parents' household 18 years of age or older.

(c) Every two years, the supervising agency shall require that foster parents and any adult member of the household provide:

- (1) a signed statement that the individual has no criminal, social, or medical history which would adversely affect their capacity to work with children and adults;
- (2) a signed statement that the individual has not abused or neglected a child, been a respondent in a juvenile court proceeding that resulted in the removal of a child, or had child protective services involvement that resulted in the removal of a child;
- (3) a signed statement that the applicant has not abused, neglected, or exploited a disabled adult and has never committed an act of domestic violence upon another person; and
- (4) a signed statement that the applicant is not listed on the North Carolina Health Care Personnel Registry pursuant to G.S. 131E-256.

History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.3A; 131D-10.5; 143B-153; Eff. September 1, 2007; Amended Eff. August 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

10A NCAC 70E .1117 TRAINING REQUIREMENTS

Each supervising agency shall provide, or cause to be provided, preservice and in-service training for all prospective and licensed foster parents as follows:

- (1) Prior to licensure or within six months from the date a provisional license is issued, each applicant shall complete 30 hours of preservice training. Preservice training shall include the following:
 - (a) general orientation to foster care adoption process;
 - (b) communication skills;
 - (c) understanding the dynamics of foster care;
 - (d) separation and loss;
 - (e) attachment and trust;
 - (f) child and adolescent development;
 - (g) behavior management;
 - (h) working with birth families and maintaining connections;
 - (i) lifebook preparation;
 - (j) planned moves and the impact of disruption;
 - (k) the impact of placement on foster and adoptive families;
 - (l) teamwork to achieve permanence
 - (m) cultural sensitivity;
 - (n) confidentiality;
 - (o) health and safety;
 - (p) trauma informed care; and
 - (q) the Reasonable and Prudent Parent Standard as defined in G.S. 131D-10.2A.
- (2) Prior to licensure or within six months from the date a provisional license is issued, therapeutic foster parent applicants shall receive ten hours of preservice training in behavioral mental health treatment services in addition to the training required by Item (1) of this Rule, including the following:
 - (a) the role of the therapeutic foster parent;
 - (b) safety planning; and
 - (c) managing behaviors.
- (3) During the initial two years of licensure, each therapeutic foster parent shall receive additional training in the following areas:
 - (a) development of the person-centered plan;
 - (b) the dynamics of emotionally disturbed and substance abusing youth and families;
 - (c) the symptoms of substance abuse;

- (d) the needs of emotionally disturbed and substance abusing youth and families; and
- (e) crisis intervention.
- (4) Foster parents shall complete certification in first-aid, cardiopulmonary resuscitation (CPR) and universal precautions provided by either the American Heart Association, the American Red Cross, or equivalent organizations before a foster child is placed with the foster family. Division staff shall determine that an organization is substantially equivalent if the organization is already approved by the Department or meets the same standard of care as the American Heart Association or American Red Cross. First-aid, CPR, and universal precautions training shall be renewed as required by the American Heart Association, the American Red Cross, or equivalent organizations. Successfully completed shall mean demonstrating competency, as evaluated by the instructor who has been approved by the American Heart Association, the American Red Cross, or other organizations approved by the Division of Social Services to provide first-aid, CPR, and universal precautions training. Training in CPR shall be appropriate for the ages of children in care. Documentation of successful completion of first-aid, CPR, and universal precautions shall be maintained by the supervising agency. The Division shall not accept web-based trainings for certification in first-aid, CPR, or universal precautions.
- (5) Child-specific training shall be provided to the foster parents as required in the out-of-home family services agreement or person-centered plan as a condition of the child being placed in the foster home. If the child or adolescent requires treatment for abuse, for example, if the child or adolescent engages in reactive, sexually reactive, or sexual offender behaviors, specific treatment shall be identified in his or her person-centered plan. Training of therapeutic foster parents is required in all aspects of reactive and offender-specific sexual treatment and shall be made available by a provider who meets the requirements specified for a qualified professional as defined in 10A NCAC 27G .0104. When the child or adolescent requires treatment for substance abuse, specific treatment shall be identified in his/her person-centered plan. Training and supervision of therapeutic foster parents are required in all aspects of substance abuse and shall be made available by a provider who meets the requirements specified for a qualified substance abuse prevention professional as defined in 10A NCAC 27G .0104. This training shall count towards the training requirements of Item (6) of this Rule.
- (6) Prior to licensure renewal, each foster parent shall complete twenty hours of in-service training. This training may be child-specific or may concern issues relevant to the general population of children in foster care. In order to meet this requirement:
 - (a) each supervising agency shall provide, or cause to be provided, 10 hours of in-service training for foster parents annually;
 - (b) the training shall include subjects that would enhance the skills of foster parents and promote stability for children;
 - (c) a foster parent may complete training provided by a community college, a licensed supervising agency, or other departments of State or county governments and, upon approval by the supervising agency, such training shall count towards meeting the requirements specified in this Item; and
 - (d) each supervising agency shall document in the foster parent record the type of activity the foster parent has completed pursuant to this Item.
- (7) A foster family caring for a child with HIV (human immunodeficiency virus) or AIDS (acquired immunodeficiency syndrome) shall complete six hours of training on issues relevant to HIV or AIDS annually. This training shall count towards the training requirements Item (6) of this Rule.
- (8) Training for physical restraint holds pursuant to 10A NCAC 70E .1103.

*History Note: Authority G.S. 131D-10.1; 131D-10.2A; 131D-10.3; 131D-10.5; 131D-10.6A; 143B-153; Eff. September 1, 2007;
Amended Eff. August 1, 2017; November 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*