

## SUBCHAPTER 70G – CHILD PLACING AGENCIES: FOSTER CARE

### SECTION .0100 – GENERAL

- 10A NCAC 70G .0101 SCOPE**
- 10A NCAC 70G .0102 ORGANIZATION AND ADMINISTRATION**

*History Note:* Authority G.S. 131D-10.5; 143B-153;  
Eff. February 1, 1986;  
Amended Eff. July 18, 2002; July 1, 1990;  
Repealed Eff. October 1, 2008.

### SECTION .0200 - MINIMUM LICENSING STANDARDS

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*History Note:* Authority G.S. 131D-10.5; 143B-153; S.L. 1999-237;  
Eff. February 1, 1986;  
Amended Eff. July 1, 1990;  
Repeal Eff. October 1, 2008.

- 10A NCAC 70G .0206 ASSESSMENT AND TREATMENT/HABILITATION OR SERVICE PLAN**
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*History Note:* Authority G.S. 131D-10.5; 143B-153; S.L. 1999-237;  
Eff. February 18, 2008;  
Amended Eff. July 1, 1990;  
Repealed Eff. October 1, 2008.

### SECTION .0300 – BEST PRACTICE STANDARDS

- 10A NCAC 70G .0301 STAFFING REQUIREMENTS**
- 10A NCAC 70G .0302 TRAINING REQUIREMENTS**

*History Note:* Authority G.S. 131D-10.5; 143B-153;  
Eff. September 1, 2007;  
Repealed Eff. October 1, 2008.

### SECTION .0400 – GENERAL

- 10A NCAC 70G .0401 SCOPE**

The rules in this Subchapter apply to persons who receive children for the purpose of placement in family foster homes and therapeutic foster homes. Persons licensed or seeking a license to provide family foster care and therapeutic foster care services for children shall comply with 10A NCAC 70C, 70D, 70E, 70F and 70G. In addition, persons licensed or seeking a license to provide therapeutic foster care services shall comply with 10A NCAC 27G .0203 and .0204. The North Carolina Department of Health and Human Services, Division of Social Services is the licensing authority for child-placing agencies for foster care.

*History Note: Authority G.S. 131D-10.5; 143B-153; Eff. October 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70G .0402 DEFINITIONS**

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

- (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) "Guardian" means:
  - (a) an individual as defined in G.S. 7B-600 who is appointed by the court to serve as the guardian of the person for a juvenile;
  - (b) an individual appointed by the clerk of court in North Carolina to exercise all the powers conferred by G.S. 35A-1241, including a standby guardian appointed under Article 21A of Chapter 35A whose authority has actually commenced; and
  - (c) an individual appointed in another jurisdiction according to the law of that jurisdiction who has the powers consistent with G.S. 35A-1241.
- (5) "Legal Custodian" means a person or agency that has been awarded legal custody of a juvenile by a court of competent jurisdiction.
- (6) "Licensing Authority" means the North Carolina Division of Social Services.
- (7) "Out-of-Home Family Services Agreement" means a document prepared by a county department of social services regarding a child in the custody of a county department of social services who receives family foster care services or therapeutic foster care services. This agreement defines the primary permanency plan, identifies the family's strengths and needs, sets objectives and case activities to assist the family in resolving those issues that place the child at risk, specifies consequences if the plan does not succeed, and establishes the alternative permanency plan if the primary plan does not succeed.
- (8) "Owner" means any person who holds the ownership interest of five percent or more of the 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.
- (9) "Parent" means the birth parent or adoptive parent.
- (10) "Person-Centered Plan" means a document prepared by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services regarding a child receiving therapeutic foster care services that includes all planning for treatment, services, and support.
- (11) "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.
- (12) "Social worker" means an individual who has earned a bachelor's, master's, or doctorate degree in social work from a social work program accredited by the Council on Social Work Education (CSWE) as provided in the Social Worker Certification and Licensure Act (G.S. 90B).
- (13) "Therapeutic Foster Care" means a foster home in which the foster parent has received additional training in providing care to children with behavioral, mental health, or substance abuse problems.
- (14) The "reasonable and prudent parent standard" has the meaning set forth in G.S. 131D 10.2A.

*History Note: Authority G.S. 131D-10.1; 131D 10.2A; 131D-10.3; 131D-10.5; 143B-153; Eff. October 1, 2008; 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 70G .0403 LICENSURE**

- (a) License.

- (1) Licensure is required in accordance with G.S. 131D-10.3 and with rules in Subchapters 70F and 70G of this Chapter.
  - (2) Licenses shall be in effect for two years unless suspended or revoked. Appeal procedures specified in 10A NCAC 70L .0301 apply for persons seeking an appeal of the licensing authority's decision to deny, suspend, or revoke a license.
  - (3) Child-placing agencies for foster care licensed after September 1, 2011 shall have a three year or longer accreditation from either the Council on Accreditation (COA), The Joint Commission, formerly known as the Joint Commission on Accreditation of Healthcare Organizations (TJC), The Commission on Accreditation and Rehabilitation Facilities (CARF) or The Council on Quality and Leadership (CQL).
  - (4) Applicants shall inform the licensing authority of any current licenses or licenses held in the past five years for child-placing agencies, maternity homes, or residential child-care facilities in other states. Applicants shall provide written documentation from the licensing authority in other states regarding violations, penalties, or probationary status imposed in other states.
- (b) Changes in any information on the license.
- (1) The licensing authority shall change a license during the period of time it is in effect if the change is in compliance with rules in Subchapters 70F and 70G of this Chapter.
  - (2) A child-placing agency for foster care shall notify the licensing authority in writing of its request for a change in license, including information that is necessary to assure the change is in compliance with the rules in Subchapters 70F and 70G of this Chapter.
- (c) Termination.
- (1) When a child-placing agency for foster care voluntarily discontinues operations, either temporarily or permanently, the child-placing agency for foster care shall notify the licensing authority in writing of the date, reason and anticipated length of closing.
  - (2) If a license is not renewed by the end of the licensure period, the licensing authority shall automatically terminate the license.
  - (3) When the license of a child-placing agency for foster care is terminated, the agency shall meet all requirements of a new agency prior to being licensed.
- (d) Adverse licensure action.
- (1) The licensing authority shall deny, suspend or revoke a license when a child-placing agency for foster care is not in compliance with the rules in Subchapters 70F and 70G of this Chapter unless the agency within 10 working days from the date the agency received the deficiency report from the licensing authority submits a plan of correction. The plan of correction shall specify the following:
    - (A) the measures that will be put in place to correct the deficiency;
    - (B) the systems that will be put in place to prevent a re-occurrence of the deficiency;
    - (C) the individual or individuals who will monitor the corrective action; and
    - (D) the date the deficiency will be corrected which is no later than 60 days from the date the routine monitoring was concluded.
  - (2) The licensing authority shall notify a child-placing agency for foster care in writing of the decision to deny, suspend or revoke a license.
  - (3) Appeal procedures specified in 10A NCAC 70L .0301 are applicable for persons seeking an appeal to the licensing authority's decision to deny, suspend or revoke a license.
- (e) Licensure shall be denied when any of the following conditions apply:
- (1) the applicant owns a facility or agency licensed under G.S. 122C and that facility or agency incurred a penalty for a Type A or B violation under Article 3 of G.S. 122C; or any combination thereof, and any one of the following conditions exist:
    - (A) A single violation has been assessed in the six months prior to the application.
    - (B) Two violations have been assessed in the 18 months prior to the application and 18 months have not passed from the date of the most recent violation.
    - (C) Three violations have been assessed in the 36 months prior to the application and 36 months have not passed from the date of the most recent violation.
    - (D) Four or more violations have been assessed in the 60 months prior to application and 60 months have not passed from the date of the most recent violation.
  - (2) the Department of Health and Human Services has initiated revocation or summary suspension proceedings against any facility licensed pursuant to G.S. 122C, Article 2; G.S. 131D, Articles 1 or

- 1A; or G.S. 110, Article 7 that was previously held by the applicant and the applicant voluntarily relinquished the license and 60 months have not passed from the date of the revocation or summary suspension;
- (3) there is a pending appeal of a denial, revocation or summary suspension of any facility licensed pursuant to G.S. 122C, Article 2; G.S. 131D, Articles 1 or 1A; or G.S. 110, Article 7 that is owned by the applicant;
  - (4) the applicant has an individual as part of their governing body or management who previously held a license that was revoked or summarily suspended under G.S. 122C, Article 2; G.S. 131D, Articles 1 or 1A; and G.S. 110, Article 7 and the rules adopted under these laws and 60 months have not passed from the date of the revocation or summary suspension;
  - (5) the applicant is an individual who has a finding or pending investigation by the Health Care Personnel Registry in accordance with G.S. 131E-256; or
  - (6) the applicant is an individual who has a finding on the Responsible Individual's List as described in 10A NCAC 70A .0102.

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

## **SECTION .0500 - MINIMUM LICENSING STANDARDS**

### **10A NCAC 70G .0501 PERSONNEL**

- (a) The executive director shall manage and administer the agency in accordance with licensing requirements and policies of the governing body. The executive director shall meet the requirements of a Social Services Program Administrator I as defined by the North Carolina Office of State Human Resources. A copy of these requirements can be found at the following web site: (<http://www.oshr.nc.gov/state-employee-resources/classifications/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information can be obtained by calling Higher Education Publications, Inc. or at: <http://www.hepinc.com>.
- (b) The Social Work Supervisor or Case Manager Supervisor shall supervise, evaluate, and monitor the work and progress of the Social Work or Case Management staff. The Social Work Supervisor or Case Manager Supervisor shall meet the requirements of a Social Work Supervisor II as defined by the North Carolina Office of State Human Resources. A copy of these requirements can be found at (<http://www.oshr.nc.gov/state-employee-resources/classification/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information can be obtained by calling Higher Education Publications, Inc. or at: <http://www.hepinc.com>. Social Work Supervisors or Case Management Supervisors shall receive 24 hours of continuing education annually.
- (c) The Social Worker or Case Manager shall provide intake services and casework or group work services for children and their families, conduct home-finding and assessment studies related to foster parents and planning, and coordinate the services and resources affecting foster children and their families. The Social Worker or Case Manager shall meet the requirements of a Social Worker II as defined by the North Carolina Office of State Human Resources. A copy of these requirements can be found at the following web site: (<http://www.oshr.nc.gov/state-employee-resources/classification/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information can be obtained through Higher Education Publications, Inc. at: <http://www.hepinc.com>. Social Workers or Case Managers shall receive 24 hours of continuing education annually.
- (d) Social Workers or Case Managers serving children in family foster homes shall serve no more than 15 children. Social Workers or Case Managers serving children in therapeutic foster homes shall serve no more than 12 children. Social Workers or Case Managers providing foster home licensing services (in this Rule, "licensing workers") shall serve no more than 32 foster families. Agencies providing family foster care services may combine the duties of the social worker or case manager and licensing worker and serve no more than ten children and ten foster families. Agencies providing therapeutic foster care services may combine the duties of the social worker or case manager and licensing worker and serve no more than eight children and eight foster families.
- (e) Supervision of social workers or case managers shall be assigned as follows:

Supervisors Required	Social Workers or Case Managers
0	0-4 (executive director serves as social work or case manager supervisor)
1	5
2	6-11
3	12-17
There shall be one additional supervisor for every one to five additional social workers or case managers.	

(f) The agency shall ensure that the Social Work Supervisors or Case Management Supervisors and Social Workers or Case Managers receive training in the areas of child development, permanency planning methodology, family systems and relationships, child sexual abuse, trauma-informed care, and the reasonable and prudent parent standard.

*History Note: Authority G.S. 131D-10.2A; 131D-10.5; 143B-153; Eff. October 1, 2008; Amended Eff. August 1, 2017; June 1, 2010; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70G .0502 APPLICATION PROCEDURES AND PRACTICES**

- (a) The policies for acceptance of an applicant for services shall be in writing and shall relate to the stated purpose of the agency.
- (b) Acceptance of an applicant for services shall be limited to those for whom the agency is qualified by staff, program and services to provide services.
- (c) There shall be an application for services to place a child signed by the parent, guardian, legal custodian, or authorized representative of the legal custodian.
- (d) The child shall be accepted for placement by a written placement agreement signed by the parent, guardian, legal custodian or authorized representative of the legal custodian.

*History Note: Authority G.S. 131D-10.5; 143B-153; 143B-154; Eff. October 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70G .0503 PLACEMENT SERVICES**

- (a) The agency shall assist the parents or guardian to assume or resume their parental roles and responsibilities as specified in the out-of-home family services agreement or person-centered plan.
- (b) The agency shall assist the parents or guardian to gain access to the services necessary to accomplish the goals and objectives specified in the out-of-home family services agreement or person-centered plan.
- (c) The agency shall encourage contacts between parents or guardian and children after placement, in accordance with the visitation and contact plan.
- (d) The agency shall have a signed agreement with the parents, guardian, or legal custodian of the child in care that includes the expectations and responsibilities of the agency and the parents, guardian, or legal custodian for carrying out the steps to meet the out-of-home family services agreement or goals of the person-centered plan, the financial arrangements for the child in care, and visitation and contact plans.
- (e) The agency shall select the most appropriate form of family foster care or therapeutic foster care for the child consistent with the needs of the child, parents, and guardian. The agency shall provide for any services the child may need and, when placing the child, shall select the least restrictive and most appropriate setting closest to the child's home.
- (f) The agency shall document any need to place a child in a family foster home or therapeutic foster home that is beyond a radius of 150 miles from the agency and the child's parents or guardian.
- (g) The agency, when selecting care, shall maintain the child's connections to their neighborhood, community, faith, extended family, tribe, school, and friends.

(h) The agency shall involve the parents or guardian in the selection of the placement. In accordance with G.S. 7B-903.1(d), when the supervising agency intends to change a child's placement, it shall give the parent or guardian notice of its intention unless precluded by emergency circumstances. Where emergency circumstances exist, the supervising agency shall notify the parent or guardian within 72 hours of the placement change.

(i) Each family foster home or the therapeutic foster home in which a foster child is placed shall be licensed by the Division of Social Services.

(j) The agency social worker for the child shall become acquainted with the child and family prior to placement, except when a child is placed on an emergency basis or if the child is an infant.

(k) The agency social worker shall help the child understand the reasons for placement and prepare him or her for the new environment. The social worker shall, except when placing under emergency conditions, arrange at least one preplacement visit for the child and shall be available to the child, the parents or guardian, and the foster parents for supportive services.

(l) The agency shall supervise the care of the child and shall coordinate the planning and services for the child and family, as stated in the out-of-home family services agreement or person-centered plan.

(m) Children in family foster homes and therapeutic foster homes shall have a monthly face-to-face contact by the social worker or case manager or more if specified in the out-of-home family services agreement or person-centered plan. The parents or guardian of children in family foster care and therapeutic foster care shall have a monthly face-to-face contact by the social worker or case manager unless the out-of-home family services agreement or person-centered plan indicates a different schedule of face-to-face contacts.

(n) The agency social worker or case manager shall meet with the children and the parents, guardian, or legal custodian, either separately or together based on the out-of-home family services agreement or person-centered plan, to assess and work on the following:

- (1) progress in resolving problems which precipitated placement;
- (2) parent and child relationship difficulties;
- (3) adjustment to separation;
- (4) adjustment to placement;
- (5) achievement of out-of-home family services agreement goals or person-centered plan goals; and
- (6) the reasonable and prudent parent standard.

(o) The agency shall refer the child's parents or guardian to other agencies in the community if they require services the agency does not provide and these services are specified in the out-of-home family services agreement or person-centered plan. The agency shall receive reports from the agency providing services regarding the parents' or guardian's progress or lack of progress.

(p) The agency shall make provisions for social work, mental health, and health care, as stated in the out-of-home family services agreement or person-centered plan.

(q) The agency shall give foster parents assistance, training, consultation, and emotional support in caring for children and in resolving problems related to their role as foster parents. Foster parents shall have one face-to-face contact per month by the social worker or case manager unless the out-of-home family services agreement or person-centered plan indicates a different schedule of face-to-face contacts for each foster child placed in the home. Phone support and 24-hour on-call support shall be provided to foster parents. Therapeutic foster care parents shall have at least 60 minutes of supervision by a qualified professional as defined in 10A NCAC 27G .0104 on a weekly basis for each therapeutic foster child placed in the foster home unless the person centered plan indicates a different schedule of supervision for each therapeutic foster child placed in the home. At least 50 percent of the supervision shall be face-to-face in the foster home unless specified differently in the person centered plan. Therapeutic foster parents providing treatment to children or youths with substance abuse treatment needs shall receive supervision from a qualified substance abuse professional as defined in 10A NCAC 27G .0104. The agency shall provide each foster parent with a Foster Parent Handbook that outlines agency procedures, requirements and expectations.

*History Note:* Authority G.S. 131D-10.2; 131D-10.2A; 131D-10.5; 143B-153;  
Eff. October 1, 2008;  
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.

(a) The agency shall develop a written out-of-home family services agreement within 30 days of admission of a child in a family foster home. The out-of-home family services agreement shall be developed in cooperation with parents, guardian or legal custodian, and, when possible, the child and foster parents. The out-of-home family services agreement shall be based upon an assessment of the needs of the child, parents or guardian. The out-of-home family services agreement shall include goals stated in specific, realistic, and measurable terms and plans that are action oriented, including responsibilities of staff, parents or guardian, other family members, legal custodian, foster parents, and the child. The agreement shall address the following services to be provided or arranged:

- (1) the visitation plan designed to maintain links with the family;
- (2) the expectations of the family, agency, placement provider, and community members;
- (3) target dates; and
- (4) expected outcomes.

(b) The out-of-home family services agreement shall be reviewed by the agency within 60 days of placement, the second out-of-home family services agreement review shall occur within 90 days of the first review, and subsequent reviews shall be held every six months. Parents, guardian, legal custodian, the foster parents, the child, and individuals or agencies designated as providing services shall participate in the reviews to determine the child's and parents' or guardian's progress or lack of progress towards meeting the goals and objectives and to determine changes that need to be made in the out-of-home family services agreement.

(c) If the legal custodian is a county department of social services, the agency, the department of social services, the parents or guardian, the foster parents, other service providers, and the child shall develop a single out-of-home family services agreement. A copy of the child's out-of-home family services agreement shall be provided to the parents, guardian, the executive director of the agency or his or her designee, and the foster parents by the county department of social services serving as the legal custodian. The child's out-of-home family services agreement shall be provided to other agencies and individuals listed as providing services to the child and to his or her parents or guardian. An age-appropriate version of the out-of-home family services agreement shall be written and provided to each child by the legal custodian.

(d) The child-placing agency and foster parents shall be informed of court reviews, child and family team meetings, agency reviews and permanency planning action team meetings. The Out-of-Home Family Services Agreement (DSS-5240 or DSS-5241) and the Transitional Living Plan may serve as the out-of-home family services agreement for the agency if the documents reflect input and participation by the parents, agency and foster parents.

*History Note: Authority G.S. 131D-10.5; 131D-10.10; 143B-153; Eff. October 1, 2008; 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 70G .0505 PERSON-CENTERED PLAN FOR CHILDREN RECEIVING THERAPEUTIC FOSTER CARE SERVICES**

(a) When therapeutic foster care services are provided, the agency shall complete an assessment for each child prior to the delivery of services that shall include:

- (1) the child's presenting problem;
- (2) the child's needs and strengths;
- (3) the provisional or admitting diagnosis with an established diagnosis determined within 30 days of placement,
- (4) a social, family and medical history; and
- (5) evaluations or assessments, such as psychiatric, psychological, substance abuse, medical, vocational and educational, as appropriate to the child's needs.

(b) When services are provided prior to the establishment and implementation of the person-centered plan, strategies to address the child's presenting problem shall be documented.

(c) The person-centered plan shall be developed based on the assessment, in partnership with the child, parents, guardian and the legal custodian if applicable. A preliminary person-centered plan shall be developed within 24 hours following placement. A person-centered plan shall be developed within 30 days of placement for children who are expected to receive services beyond 30 days of placement.

(d) The person-centered plan for each therapeutic foster child shall include:

- (1) outcomes that are anticipated to be achieved by the provision of the service and a projected date of achievement;
  - (2) strategies for achieving the outcomes;
  - (3) staff responsibilities;
  - (4) responsibilities of the child, parents, guardian or legal custodian and the responsibilities of the foster parents;
  - (5) a schedule for review of the person-centered plan at least annually in consultation with the child, parents, guardian or legal custodian;
  - (6) basis for an evaluation or assessment of outcome achievement; and
  - (7) written consent or agreement by the child, parents, guardian and legal custodian if applicable or a written statement by the agency stating the reason such consent could not be obtained.
- (e) If a child is in the custody of a county department of social services and is placed in a therapeutic foster home, an out-of-home family services agreement shall also be completed. The outcomes, objectives and strategies of the person-centered plan and the out-of-home family services agreement shall be consistent and compatible.

*History Note: Authority G.S. 131D-10.5;  
Eff. October 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70G .0506 CLIENT RECORDS**

- (a) The agency shall maintain an individual record for each child receiving foster care services that contains:
- (1) an application for services that includes:
    - (A) demographic information about the child, including name, address, sex, race, birth date, birth place, educational information, medical information, and client record number;
    - (B) demographic information about the parents or guardian of the child, including names, addresses, telephone numbers, birth dates, races, religion, and marital status;
    - (C) demographic information about the siblings and other relatives of the child, including names, addresses, and telephone numbers;
    - (D) the reasons the child was removed from the home of his or her parents;
    - (E) a record of the child's prior placements with names and addresses of foster parents and other caregivers and dates of care provided by each foster parent or caregiver, and
    - (F) the services the agency shall provide the child and his or her parents or guardian;
  - (2) legal documents of importance to the child, including a birth certificate and court dispositions;
  - (3) pre-admission medical examination report or a medical examination report completed within two weeks of admission (unless the child's health indicates the completion of a medical examination report sooner) and copies of subsequent medical examination reports;
  - (4) medical reports including medical history, cumulative health history, immunization records, and available psychological and psychiatric reports; and if applicable:
    - (A) documentation of mental illness, developmental disabilities, or substance abuse diagnosis coded according to the latest edition of the Diagnostic and Statistical Manual of Mental Disorders;
    - (B) documentation of screening and assessment;
    - (C) medication orders and Medication Administration Record (MAR);
    - (D) documentation of medication administration errors;
    - (E) documentation of adverse drug reactions; and
    - (F) orders and copies of lab tests;
  - (5) educational assessments, records, and reports of school-age children;
  - (6) intake study that includes initial social assessment and background of parents or guardian and the circumstances leading to the decision to place the child;
  - (7) one of the following:
    - (A) a signed out-of-home family services agreement and reviews that reflect the status of the child, parents, or guardian, and any progress or lack of progress in the goals;
    - (B) a person-centered plan and reviews that reflect the status of the child, parents, or guardian, and any progress or lack of progress in the goals; or



- (C) a person-centered plan along with an out-of-home family services agreement and reviews that reflect the status of the child, parents, or guardian, and any progress or lack of progress in the goals;
- (8) documentation of services provided;
- (9) documentation that reports the dates and content of social worker's or case manager's visits with the child;
- (10) documentation of the agency's involvement with the parents, guardian, or legal custodian, including services offered, delivered, or rejected;
- (11) documentation that includes the content of any administrative or service reviews;
- (12) a visitation and contact plan that specifies the child's contacts with parents, guardian, siblings and other family members, and individuals who may have contact with the child;
- (13) consents for release of information;
- (14) a signed statement from the parents, guardian, or legal custodian, granting permission to seek emergency care from a hospital or licensed medical provider;
- (15) emergency information for each child that shall include the name, address, and telephone number of the person to be contacted in case of sudden illness or accident and the name, address, and telephone number of the child's preferred licensed medical provider;
- (16) authorization from the parents, guardian, legal custodian, or licensed medical provider to administer non-prescription medications;
- (17) consents for time-limited audio-visual recordings signed by the parents, guardian, or legal custodian, and the child if 12 years of age or older;
- (18) documentation of searches for drugs, weapons, contraband, or stolen property, including date and time of the search, and action taken by foster parents and the agency, name of foster parent informing the agency, the date and time the agency is informed of the search, the date and time of the notification to the child's parents, guardian, or legal custodian; and
- (19) discharge summary including date and time of discharge, the name, address, telephone number, and relationship of the person or agency to whom the child was discharged, a summary of services provided during care and needs which remain to be met, and plans for the services needed to meet these goals.

(b) The agency shall document events and enter information required by the Rule in the record of the child within five days of the event or receipt of the information by the agency.

(c) The agency shall keep separate records for each family foster home that contains:

- (1) the agency application;
- (2) the mutual home assessment;
- (3) the medical examination reports;
- (4) the fire inspection safety report;
- (5) the environmental conditions checklist;
- (6) proof of high school diploma or GED of each foster parent;
- (7) the dates and content of contacts with the foster family by an agency representative;
- (8) the training record that includes all required and ongoing training;
- (9) the foster parent agreement signed by foster parents and agency representative;
- (10) the discipline agreement signed by foster parents and agency representative;
- (11) three references relevant to the role and responsibilities of a foster parent;
- (12) the annual assessment of strengths and needs of the foster family in providing foster care to children;
- (13) a chronological record of all placements of children receiving care in the home, including the dates of their care and an assessment of the care;
- (14) the written approval letter from executive director or his or her designee authorizing foster parents to administer physical restraint holds, if applicable;
- (15) a signed statement by the foster parents and adult members of the household that they have not been found to have abused or neglected a child or have not 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;
- (16) a signed statement by the foster parents and adult members of the household that they have not been confirmed or substantiated for abusing, neglecting, or exploiting a disabled adult;

- (17) documentation of the results of the search of the Responsible Individual's List as described in 10A NCAC 70A .0102 for all adult members of the household that indicate they have not had child protective services involvement resulting in a substantiation of child abuse or serious neglect;
- (18) signed statement by the foster parents and adult members of the household that they have never committed an act of domestic violence upon another person;
- (19) documentation of the results of the search of the North Carolina Sex Offender and Public Protection Registry of all adult members of the household;
- (20) documentation of the results of the search of the North Carolina Health Care Personnel Registry pursuant to G.S. 131E-256 of all adult members of the household;
- (21) copies of waivers, authorized by 10A NCAC 70L .0102;
- (22) when closed, a summary containing reasons for the closing of the home and an assessment of the strengths and needs of the foster family in providing foster care to children;
- (23) documentation of the results of criminal record checks of all adult members of the household;
- (24) fingerprint clearance letters of all adult members of the household;
- (25) documentation of the results of child abuse and neglect registry checks of every state where the foster parent resided in the past five years; and
- (26) documentation of the results of the search of the North Carolina Department of Public Safety, Division of Adult Correction, Offender Information for all adult members of the household.

*History Note:* Authority G.S. 131D-10.5; 143B-153;  
 Eff. October 1, 2008;  
 Amended Eff. August 1, 2017; May 1, 2010;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.

#### **10A NCAC 70G .0507 CLIENT RIGHTS**

- (a) The agency shall develop and implement policies and procedures to protect the individual rights and dignity of children and families who are provided services by the agency.
- (b) The agency shall have a client's and family's rights policy that complies with 10A NCAC 70E .1101(a).
- (c) The agency shall have a policy that prohibits direct involvement by a child in soliciting funds for the agency.
- (d) The agency shall have a policy that prohibits the child's participation in any activities involving audio or visual recording and research without the voluntary signed, time-limited consent of the parents, guardian or legal custodian, and the child if 12 years of age or older.
- (e) Each agency shall ensure that information about AIDS or related conditions is disclosed only in accordance with the communicable disease laws specified in G.S. 130A-143.
- (f) The agency shall have a policy to comply with the reasonable and prudent parent standard in accordance with G.S. 131D-10.2A.

*History Note:* Authority G.S. 131D-10.2A; 131D-10.5; 143B-153;  
 Eff. October 1, 2008;  
 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 70G .0508 GRIEVANCE PROCEDURES**

- (a) The agency shall provide to each child and parents, guardian or legal custodian, upon placement:
  - (1) a written description of policies and procedures that the child and parents, guardian or legal custodian follow to register complaints;
  - (2) information about client's and parents', guardian's or legal custodian's rights;
  - (3) the process for appealing a decision or action of the agency; and
  - (4) the process of resolution of a complaint.
- (b) Upon resolution of a grievance, the agency shall maintain a copy of the complaint and the resolution in the child's record.

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

*Eff. October 1, 2008;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70G .0509 SEARCHES**

- (a) The agency shall have written policies and procedures regarding foster parents conducting searches of children's rooms and possessions that shall be discussed with the parents, guardian or legal custodian, and child prior to or upon placement.
- (b) The search policies and procedures shall include:
- (1) circumstances under which searches are conducted;
  - (2) persons who are allowed to conduct searches;
  - (3) provision for documenting searches and informing the agency, parents, guardian and legal custodian of searches; and
  - (4) provision for removing and disposing of items seized as a result of searches.

*History Note: Authority G.S. 131D-10.5; 143B-153;*  
*Eff. October 1, 2008;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70G .0510 HEALTH SERVICES**

- (a) The agency shall have written policies and procedures regarding foster parents administering medications to children placed in their home that shall be discussed with each child and the child's parents, guardian, or legal custodian prior to or upon placement.
- (b) These policies and procedures shall address medication:
- (1) administration;
  - (2) dispensing, packaging, labeling, storage, and disposal;
  - (3) review;
  - (4) education and training;
  - (5) documentation, including medication orders, Medication Administration Record (MAR), orders and copies of lab tests, and medication administration errors and adverse drug reactions; and
  - (6) record in a medical administration record (MAR), provided by the supervising agency, all medications administered to each child. The MAR shall include the following: child's name; the name, strength, and quantity of the medications; instructions for administering the medications; the date and time the medication is administered, discontinued, or returned to the supervising agency or the person legally authorized to remove the child from foster care; the name or initials of the person administering or returning the medications; the child's request for changes or clarifications concerning medications; and the child's refusal of any prescribed medications.
- (c) Upon discharge of a child from foster care, the foster parents or the agency shall return prescription medication to the person or agency legally authorized to remove the child from foster care. Unwanted, out-dated, improperly labeled, damaged, adulterated, or discontinued prescription medications shall be disposed in accordance with the Federal Drug Administration guidelines found at: <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm101653.htm>, incorporated by reference with subsequent amendments and editions.
- (d) The agency shall ensure that each child started or maintained on a medication by a licensed medical provider receives either oral or written education regarding the prescribed medication by the licensed medical provider or his or her designee. In instances where the ability of the child to understand the education is questionable, as determined by a licensed medical or mental health provider, the agency shall ensure that a responsible person receives either oral or written education regarding the prescribed medication by the licensed medical provider or his or her designee and provides either oral or written instructions to the child. The agency shall ensure that the medication education provided is sufficient to enable the child or other responsible person to make an informed consent, to safely administer the medication and to encourage compliance with the prescribed regimen.
- (e) The agency shall ensure that each child shall have a current medical examination. Medical examinations completed by a licensed medical provider (physician, physician's assistant or nurse practitioner)(in this Rule, "licensed medical provider") within 12 months prior to the admission of the child in foster care shall be considered current. If a child has not had a medical examination by a licensed medical provider within 12 months prior to admission, the agency shall

arrange a medical examination for the child within two weeks after admission or sooner if indicated by the child's health condition. The medical examination report shall include a signed statement by a licensed medical provider specifying the child's medical condition and medications prescribed and indicating the presence of any communicable disease which may pose a risk of transmission in the foster home. If a child is in the custody of a county department of social services, is already scheduled to have a medical examination completed annually, and is entering a foster home the schedule of annual medical examinations are not required to be changed. A copy of the most recent medical examination report shall be obtained from the responsible county department of social services by the agency.

(f) The agency shall obtain and record a developmental history for each child.

(g) Children shall have had a dental examination by a licensed dentist within one year prior to admission or arrangements shall be made for an exam within six weeks after admission and annually thereafter. The agency shall document dental services in the child's record.

*History Note: Authority G.S. 131D-10.5;  
Eff. October 1, 2008;  
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 70G .0511 HOME-SCHOOLING**

(a) The agency shall have written policies and procedures regarding foster parents providing home-schooling to children placed in their home that shall be discussed with the child and the child's parents, guardian or legal custodian prior to or upon placement.

(b) The home-schooling policies and procedures shall include:

- (1) a requirement for the foster parents to meet the provisions of Part 3 of Article 39 of Chapter 115C of the General Statutes;
- (2) an educational assessment of the child that establishes the need for home-schooling;
- (3) expectation of the child's placement to remain stable for the time period of home-schooling; and
- (4) parental or guardian consent, if the parents' or guardian's consent can be obtained and consent of the legal custodian.

*History Note: Authority G.S. 131D-10.5; 143B-153;  
Eff. October 1, 2008.  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

#### **10A NCAC 70G .0512 PHYSICAL RESTRAINT HOLDS, BEHAVIOR MANAGEMENT AND DISCIPLINE**

(a) If a foster parent or agency staff member uses a physical restraint hold, the agency staff shall, within 72 hours of an incident involving a physical restraint, review the incident report to ensure that correct steps were followed and forward the report to the parents, guardian or legal custodian and the licensing authority on a report form developed by the licensing authority.

(b) Agencies shall submit a report to the licensing authority by the 10<sup>th</sup> day of each month indicating the number of physical restraint holds used during the previous month on each child and any injuries that resulted.

(c) Agencies shall maintain reports of physical restraint holds in a manner consistent with the agency's risk management policies (clinical decisions and activities undertaken to identify, evaluate, and reduce the risk of injury to clients, staff, and visitors and reduce the risk of loss to the agency) and shall make the reports available to the licensing authority upon request.

(d) Agencies shall provide foster parents and agency staff authorized to use physical restraint holds with 16 hours of training in behavior management, including techniques for de-escalating problem behavior; the appropriate use of physical restraint holds; monitoring of vital indicators; and debriefing children, foster parents, and agency staff involved in physical restraint holds. , Agencies shall provide foster parents and agency staff authorized to use physical restraint holds with eight hours of behavior management training annually, including techniques for de-escalating problem behavior. Instructors who train foster parents and agency staff 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; and by scoring a passing grade on testing in an instructor training program;
  - (3) the 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;
  - (4) the content of the instructor training shall be approved by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services;
  - (5) trainers shall be retrained annually and demonstrate competence in the use of physical restraints;
  - (6) 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;
  - (7) have been coached in teaching the use of restrictive interventions two times with a positive review by the coach;
  - (8) teach a program on the use of physical restraints once annually; and
  - (9) complete a refresher instructor training every two years.
- (e) Foster parents and agency staff shall only use physical restraint holds approved by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services.
- (f) Physical restraints that place a person in a prone or face-down position are prohibited.
- (g) The executive director of the agency or his or her designee shall issue approvals to administer physical restraint holds to foster parents and agency staff, pursuant to the rules in this Chapter. A copy of this letter shall be placed in the foster home record of foster parents and the personnel file of agency staff members.
- (h) Agencies shall complete an annual review of the discipline and behavior management policies and techniques to verify that the physical restraint holds being used are being applied properly and safely. The review of the policies and techniques shall be documented and submitted to the licensing authority at the time of relicensure as part of the reapplication process.

*History Note:* Authority G.S. 131D-10.5; 131D-10.5A; 143B-153;  
 Eff. October 1, 2008;  
 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 70G .0513 CRITICAL INCIDENTS**

- (a) The agency shall have written policies and procedures for reporting critical incidents.
- (b) The agency shall follow policies and procedures for handling any suspected incidents of abuse or neglect of a child involving staff, subcontractors, volunteers, interns, or foster parents in a foster home supervised by the agency. The policies and procedures shall include:
- (1) a provision for reporting any suspicion of abuse or neglect to the appropriate county department of social services for investigation;
  - (2) a provision for recording any suspected incident of abuse or neglect and for reporting it to the executive director or to the governing body;
  - (3) a provision for notifying parents, guardian, or legal custodian;
  - (4) a provision for preventing a recurrence of the alleged incident pending the investigative assessment;
  - (5) a policy concerning personnel action to be taken when the incident involves a staff member, subcontractor, volunteer, or intern;
  - (6) a policy concerning the action to be taken when the incident involves a foster parent;
  - (7) a provision for submitting a critical incident report to the licensing authority within 72 hours of the incident being accepted for an investigation by a county department of social services; and
  - (8) a provision for submitting written notification to the licensing authority within 72 hours of the case decision by the county department of social services conducting the investigative assessment.

(c) Critical incident reports shall be submitted to the licensing authority by the executive director or his or her designee on a form provided by the licensing authority within 72 hours of the critical incident. Critical incidents involving a child in placement in a foster home supervised by the agency shall include the following:

- (1) a death of a child;
- (2) reports of abuse and neglect;
- (3) an admission to a hospital;
- (4) a suicide attempt;
- (5) a runaway lasting more than 24 hours; and
- (6) an arrest for violations of state, municipal, county or federal laws.

(d) Documentation of critical incidents shall include:

- (1) the name of child or children involved;
- (2) the date and time of incident;
- (3) a brief description of incident;
- (4) the action taken by staff;
- (5) a need for medical attention;
- (6) the name of staff involved and person completing the report;
- (7) the name of child's parent, guardian or legal custodian who was notified and the date and time of notification; and
- (8) the approval of supervisory or administrative staff reviewing the report.

(e) If there is a death of a child in placement in a foster home supervised by the agency, the executive director or his or her designee shall notify the parent, guardian, or legal custodian and the licensing authority within 72 hours of the death of the child.

(f) Critical incident reports shall be maintained in manner consistent with the agency's risk management policies and shall include clinical decisions and activities undertaken to identify, evaluate, and reduce the risk of injury to clients, staff, and visitors and reduce the risk of loss to the agency and shall be made available to the licensing authority upon request.

(g) When a foster parent determines that a foster child under the age of 18 is missing, they shall notify the appropriate law enforcement authority within 24 hours.

*History Note: Authority G.S. 131D-1; 131D-10.5; 131D-10.5A; 143B-153; P.L. 113-183; Eff. October 1, 2008; 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.*