

## SECTION .0200 – MINIMUM LICENSURE STANDARDS

### 10A NCAC 70I .0201 DEFINITIONS

In addition to the definitions found in G.S. 131D-10.2, the following definitions apply to the rules in Subchapters 70I and 70J of this Chapter.

- (1) "Child-caring institution" means a private residential child-care facility or group home that cares for foster children or a public residential child-care facility or group home that cares for no more than 25 children. This number includes the caregivers' own children and other relative children under the age of 18 residing in the facility. The composition of the facility shall include:
  - (a) no more than two children under the age of two;
  - (b) four children under the age of six; and
  - (c) six children under the age of 12.Child-caring institutions shall not include detention facilities, forestry camps, children's foster care camps, residential therapeutic (habilitative) camps, training schools, or any other facility operated for the detention of children who are determined by a court to be delinquent or undisciplined. A child-caring institution shall not provide day care, nor shall it be available to adults in the community who wish to rent rooms.
- (2) "Children's foster care camp" means the term "children's camp" as defined in G.S. 131D-2.
- (3) "Direct service personnel" means staff responsible for the direct services provided to children and their families, including child-care workers, residential counselors, house/teaching parents, social workers, recreation and education staff.
- (4) "Emergency shelter care" means 24 hour care provided in a residential child-care facility for a period not to exceed 90 days, in accordance with 10A NCAC 70J .0200.
- (5) "Executive director" means the person who is in charge of the agency and who is responsible for developing and supervising the program of residential child-care and services.
- (6) "Foster child" means an individual less than 18 years of age who has not been emancipated under North Carolina law, and who is dependent, neglected, abused, abandoned, destitute, orphaned, undisciplined, delinquent, or otherwise in need of care away from home and not held in detention, or one who is 18 and not yet 21 years of age and continues to reside in a residential child-care facility and meets the requirements in G.S. 108A-48.
- (7) "Full license" means a license issued for two years when all licensing requirements are met.
- (8) "License" means written permission granted to a corporation, agency, or county government by the licensing authority to engage in the provision of full-time residential child-care or child-placing activities based upon an initial determination, and biennially thereafter, that the corporation, agency, or a county government has complied with standards set forth in this Subchapter.
- (9) "Licensing authority" means the North Carolina Department of Health and Human Services, Division of Social Services.
- (10) "Licensed medical provider" means a physician, physician's assistant, or certified nurse practitioner.
- (11) "Out-of-home family services agreement" means a document developed with the child's custodian that identifies a child's permanency plan (return to parents, placement with relatives, guardianship, or adoption). The out-of-home family services agreement describes a child's needs, goals, and objectives in a residential child-care facility and the tasks and assignments of the staff of the residential child-care facility to meet a child's and family's needs, goals, and objectives. The out-of-home family services agreement shall specify what must change in order for the parents to meet the needs of the child. Basic goal planning steps include:
  - (a) involving the family in the process;
  - (b) identifying goals that are both realistic and achievable;
  - (c) using family strengths when outlining objectives and activities to attain the goals;
  - (d) spelling out the steps necessary for success;
  - (e) documenting who will do what and when they will do it; and
  - (f) providing for review by parents or guardian, the legal custodian, the child, and any individual or agency providing services.

- (12) "Owner" means any individual who is a sole proprietor, co-owner, partner or shareholder holding an ownership or controlling interest of five percent or more of the applicant entity. Owner includes a "principal" or "affiliate" of the residential child-care facility.
- (13) "Private agency residential child-care facility" means a residential child-care facility under the auspices of a licensed child-placing agency or another private residential child-care facility.
- (14) "Private residential child-care facility" means a residential child-care facility under the control, management, and supervision of a private non-profit or for-profit corporation, sole proprietorship, or partnership that operates independently of a licensed child-placing agency or any other residential child-care facility.
- (15) "Provisional license" means a license issued for a maximum of six months enabling a facility to operate while some below standard component of the program is being corrected. A provisional license for the same below standard program component shall not be renewed.
- (16) "Public agency residential child-care facility" means a residential child-care facility under the control, management, or supervision of a county department of social services.
- (17) "Public residential child-care facility" means a residential child-care facility under the control, management, or supervision of a county government other than a county department of social services.
- (18) "Social worker" means an individual who has 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). Agencies may use terms such as "case manager" or "case manager supervisor" to refer to these individuals.
- (19) "Staff" means full-time, part-time, and contracted staff persons.
- (20) The "reasonable and prudent parent standard", has the meaning set forth in G.S. 131D-10.2A.
- (21) "Visitation and contact plan" means a document that is developed by the child's custodian for each child that specifies whom the child may visit with and have contact with and the circumstances under which the visits and contacts shall take place.
- (22) "Volunteer" means a person working in a staff position for an agency who is not paid.

*History Note: Authority G.S. 131D-10.2A; 131D-10.3; 131D-10.5; 143B-153;  
Eff. July 1, 1999 (See S.L. 1999, c. 237, s. 11.30);  
Amended Eff. July 18, 2002;  
Temporary Amendment Eff. July 1, 2003;  
Amended Eff. October 1, 2008; August 1, 2004;  
Readopted Eff. October 1, 2017.*