

SUBCHAPTER 70G

CHILD PLACING AGENCIES: FOSTER CARE

TABLE OF CONTENTS

SECTION .0400 – GENERAL

| | |
|---------------------------|---|
| 10A NCAC 70G .0401 | SCOPE |
| 10A NCAC 70G .0402 | DEFINITIONS |
| 10A NCAC 70G .0501 | PERSONNEL |
| 10A NCAC 70G .0502 | APPLICATION PROCEDURES AND PRACTICES |
| 10A NCAC 70G .0503 | PLACEMENT SERVICES |
| 10A NCAC 70G .0504 | OUT-OF-HOME FAMILY SERVICES AGREEMENT FOR CHILDREN RECEIVING FAMILY FOSTER CARE SERVICES |
| 10A NCAC 70G .0505 | PERSON-CENTERED PLAN FOR CHILDREN RECEIVING THERAPEUTIC FOSTER CARE SERVICES |
| 10A NCAC 70G .0506 | CLIENT RECORDS |
| 10A NCAC 70G .0507 | CLIENT RIGHTS |
| 10A NCAC 70G .0508 | GRIEVANCE PROCEDURES |
| 10A NCAC 70G .0509 | SEARCHES |
| 10A NCAC 70G .0510 | MEDICATION ADMINISTRATION REQUIREMENTS |
| 10A NCAC 70G .0511 | HOME-SCHOOLING |
| 10A NCAC 70G .0512 | PHYSICAL RESTRAINT HOLDS, BEHAVIOR MANAGEMENT AND DISCIPLINE |
| 10A NCAC 70G .0513 | CRITICAL INCIDENTS |

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.*

10A NCAC 70G .0402 DEFINITIONS

Except when the context of the Rule indicates that the term has a different meaning 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 a planned, goal-directed service in which the temporary protection and care of children take place in a family foster home. Family foster care is a child welfare service for children and their parents who must live apart from each other for a period of time due to abuse, neglect, dependency, or other circumstances necessitating out-of-home care.
- (4) "Guardian" means 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. The guardian shall have the care, custody, and control of the juvenile or may arrange a suitable placement for the juvenile and may represent the juvenile in legal actions before any court. The guardian may consent to certain actions on the part of the juvenile in place of the parent including marriage, enlisting in the armed forces and enrollment in school. The guardian may also consent to any necessary remedial, psychological, medical, or surgical treatment for the juvenile. Guardian also means 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 also means 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" is a Division of Social Services document required of all children in the custody of a county department of social services receiving family foster care services or therapeutic foster care services. This agreement is used to define the primary permanency plan; to identify the family's strengths and needs; to set objectives and case activities to assist the family in resolving those issues that place the child at risk; to specify consequences if the plan does or does not succeed; and to establish the alternative permanency plan if the primary plan does not succeed. The agreement must address the services to be provided or arranged; the visitation plan designed to maintain links with the family; expectations of the family, agency, placement provider and community members; target dates; and expected outcomes.
- (8) "Owner" means any person who holds an 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" is a Division of Mental Health, Developmental Disabilities and Substance Abuse Services document and must be completed on all children receiving therapeutic foster care services. The person-centered plan is the umbrella under which all planning for treatment, services and supports occurs. Person-centered planning begins with the identification of the reason the individual/family is requesting assistance. It focuses on the identification of the individual's/family's needs and desired life outcomes--not just a request for a specific service. The plan captures all goals and objectives and outlines each team member's responsibilities within the plan.
- (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) "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.

History Note: Authority G.S 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Eff. October 1, 2008.

SECTION .0500 - MINIMUM LICENSING STANDARDS

10A NCAC 70G .0501 PERSONNEL

(a) The executive director is responsible for the general management and administration of 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 Personnel. A copy of these requirements can be obtained by contacting the Division of Social Services at 828-669-3388 or by reviewing the following web site: (http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-04099/PDF_Files/04077.pdf). 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. at 1-888-349-7715.

(b) The social work supervisor is responsible for supervising, evaluating, and monitoring the work and progress of the social work staff. The social work supervisor shall meet the requirements of a Social Work Supervisor II as defined by the North Carolina Office of State Personnel. A copy of these requirements can be obtained by contacting the Division of Social Services at 828-669-3388 or by reviewing the following web site: (http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-04099/PDF_Files/04016.pdf). 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. at 1-888-349-7715. Social work supervisors shall receive 24 hours of continuing education annually.

(c) The social worker is responsible for intake services, providing casework or group work services for children and their families, conducting home-finding and assessment studies related to foster parents and planning and coordinating the services and resources affecting children and their families. The social worker shall meet the requirements of a Social Worker II as defined by the North Carolina Office of State Personnel. A copy of these requirements can be obtained by contacting the Division of Social Services at 828-669-3388 or by reviewing the following web site: (http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-04099/PDF_Files/04012.pdf). 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. at 1-888-349-7715. Social workers 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 providing foster home licensing services (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 supervisor) |
| 1 | 5 |
| 2 | 6-11 |
| 3 | 12-17 |
| There shall be one additional supervisor for every one to five additional social workers. | |

History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. October 1, 2008;
Amended Eff. June 1, 2010

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.

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 which 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 person-centered plan goals, the financial arrangements for the child in care, and visitation and contact plans.
- (e) The agency shall select the most appropriate form of care for the child consistent with the needs of the child, parents and guardian for family foster care or therapeutic foster care. The agency shall provide for any services the child may need and shall make every effort when placing the child to 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 child placing agency and the child's parents or guardian.
- (g) The agency, when selecting care, shall take into consideration a child's racial, cultural, ethnic, and religious heritage and preserve them to the extent possible without jeopardizing the child's right to care.
- (h) The agency shall involve the parents or guardian in the selection of the placement.
- (i) The family foster home or the therapeutic foster home 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 in the case of 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 foster parents for supportive services.
- (l) No child shall be accepted into a foster home without having had a current medical examination by a licensed medical provider (physician, physician's assistant or nurse practitioner). Medical examinations completed by a licensed medical provider within 12 months prior to the admission of the child in foster care are 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 and is having a medical examination completed annually, and is entering a foster home, the schedule of annual medical examinations do not have 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.
- (m) The agency shall obtain and record a developmental history for each child.
- (n) 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.
- (o) 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.

(p) 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; and
- (5) achievement of out-of-home family services agreement goals or person-centered plan goals.

(q) 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 it is 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.

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

(s) 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. Therapeutic Foster Parents providing treatment to children/youth 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-10.5; 143B-153;
Eff. October 1, 2008;
Amended Eff. November 1, 2009.*

10A NCAC 70G .0504 OUT-OF-HOME FAMILY SERVICES AGREEMENT FOR CHILDREN RECEIVING FAMILY FOSTER CARE SERVICES

(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 the child, parents, guardian or legal custodian and foster parents when possible. 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.

(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, foster parents, the child, as well as any individual or agency 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 child-placing agency, the department of social services, parents or guardian, foster parents, other service providers and 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 child-placing 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 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 attend 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 (CARS Plan Review) may serve as the out-of-home family services agreement for the child-placing agency if the documents reflect input and participation by the child-placing agency and foster parents.

*History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. October 1, 2008;
Amended Eff. November 1, 2009.*

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.*

10A NCAC 70G .0506 CLIENT RECORDS

(a) The agency shall maintain an individual record for each child receiving foster care services which 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 any court dispositions;
- (3) pre-admission medical examination report or a medical examination report completed within two weeks of admission (unless the child's health status 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 Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition-Revised DSM IV;
 - (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 which includes initial social assessment and background of parents or guardian and the circumstances leading to the decision to place the child;
 - (7) signed out-of-home family services agreement or person-centered plan along with out-of-home family services agreement or person-centered plan reviews which reflect the status of the child, parents or guardian in relation to the out-of-home family services agreement or person-centered plan and any progress or lack of progress in the goals of the out-of-home family services agreement or person-centered plan;
 - (8) documentation of services provided;
 - (9) documentation which reflects 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 which 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 overnight travel and other travel consents based on the requirements of the parents, guardian or legal custodian;
 - (18) consents for time-limited audio-visual recordings signed by the parents, guardian or legal custodian, and child, if 12 years of age or older;
 - (19) documentation of searches for drugs, weapons, contraband or stolen property, including date and time of the search, 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
 - (20) 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, needs which remain to be met, and plans for the services needed to meet these goals.
- (b) If the agency maintains a separate record on the parents and guardians of children whom they place into care, the parents' or guardians' record shall contain:
- (1) demographic information including names, addresses, birth dates, races, religion, family composition;
 - (2) social histories, including any psychological or psychiatric reports and medical histories;
 - (3) strengths and needs of the parents or guardian and the services required;
 - (4) signed agreements between the agency and parents or guardian;
 - (5) summary of dates of contacts and progress toward goals;
 - (6) case review reports; and
 - (7) discharge summary.
- (c) Documentation shall be entered into the child's, parents' or guardian's records within five days of occurrence.
- (d) The agency shall keep separate records for each family foster home which contains:
- (1) application;
 - (2) mutual home assessment;
 - (3) medical examination reports;
 - (4) fire inspection safety report;
 - (5) environmental conditions checklist;
 - (6) proof of high school diploma or GED;
 - (7) dates and content of worker's contacts with the foster family;
 - (8) training record that includes all required and ongoing training;
 - (9) foster parent agreement signed by foster parents and agency representative;
 - (10) discipline agreement signed by foster parents and agency representative;
 - (11) three references relevant to the role and responsibilities of a foster parent;

- (12) annual assessment of strengths and needs of the foster family in providing foster care to children;
- (13) 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) written approval letter from executive director or his or her designee authorizing foster parents to administer physical restraint holds, if applicable;
- (15) 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) 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 defined 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 not been a domestic violence perpetrator;
- (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, as specified in 10A NCAC 70L .0102; and
- (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.

History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. October 1, 2008;
Amended Eff. May 1, 2010.

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 funds solicitation for the agency.
- (d) The agency shall have a policy, which 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 child, if 12 years of age or older.
- (e) Each agency shall ensure that information relative to AIDS or related conditions is disclosed only in accordance with the communicable disease laws as specified in G.S. 130A-143.

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

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.

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.

10A NCAC 70G .0510 MEDICATION ADMINISTRATION REQUIREMENTS

(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; and
- (5) documentation, including medication orders, Medication Administration Record (MAR), orders and copies of lab tests, and medication administration errors and adverse drug reactions.

(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 returned to a pharmacy for disposal.

(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, 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.

History Note: Authority G.S. 131D-10.5;
Eff. October 1, 2008.

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 requirements 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;
Eff. October 1, 2008.

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

(a) Agencies using physical restraint holds 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 10th 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 make them available to the licensing authority upon request.

(d) Foster parents and agency staff who utilize physical restraint holds shall receive at least 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. Foster parents and agency staff authorized to use physical restraint holds shall annually complete at least eight hours of behavior management training, including techniques for de-escalating problem behavior. Foster parents and agency staff shall be trained by instructors who have met the following qualifications and training requirements:

- (1) trainers shall demonstrate competence by scoring 100 percent on testing in a training program aimed at preventing, reducing and eliminating the need for restrictive interventions;
- (2) trainers shall demonstrate competence by scoring 100 percent on testing in a training program teaching the use of physical restraint; trainers shall demonstrate competence 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 and shall include presentation of understanding the adult learner, methods of teaching content of the course, evaluation of trainee performance and documentation procedures;
- (5) trainers shall be retrained at least annually and demonstrate competence in the use of physical restraint;
- (6) trainers shall be trained in CPR;
- (7) trainers shall have coached experience in teaching the use of restrictive interventions at least two times with a positive review by the coach;
- (8) trainers shall teach a program on the use of physical restraints at least once annually; and
- (9) trainers shall complete a refresher instructor training at least every two years.

(e) Foster parents and agency staff shall only use physical restraint holds approved by the North Carolina Interventions (NCI) Quality Assurance Committee, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 3022 Mail Service Center, Raleigh, NC 27699-3022. Requests for approval shall be submitted to the North Carolina Interventions (NCI) Quality Assurance Committee, Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 3022 Mail Service Center, Raleigh, NC 27699-3022.

(f) Foster parents and agency staff shall receive written approval from the executive director or his or her designee of the supervising agency to administer physical restraint holds. A copy of this letter shall be placed in the foster home record of foster parents and the personnel file of agency staff members.

(g) Agencies shall complete an annual review of the discipline and behavior management policies and techniques to verify that the physical restraint holds being utilized 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; 143B-153;
Eff. October 1, 2008;
Amended Eff. November 1, 2009.*

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 investigative assessment 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 include the following:
 - (1) a death of a child;
 - (2) reports of abuse and neglect;
 - (3) admission to a hospital;
 - (4) suicide attempt;
 - (5) runaway lasting more than 24 hours; and
 - (6) arrest for violations of state, municipal, county or federal laws.
- (d) Documentation of critical incidents shall include:
 - (1) name of child or children involved;
 - (2) date and time of incident;
 - (3) brief description of incident;
 - (4) action taken by staff;
 - (5) need for medical attention;
 - (6) name of staff involved and person completing the report;
 - (7) name of child's parent, guardian or legal custodian notified and the date and time of notification; and
 - (8) approval of supervisory or administrative staff reviewing the report.
- (e) When 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 that 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.

*History Note: Authority G.S. 131D-1; 131D-10.5;
Eff. October 1, 2008;
Amended Eff. November 1, 2009.*