
CHAPTER 2

LICENSING RULES

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On recommendation from the Division of Social Services, the North Carolina Social Services Commission sets the rules for foster care licensing. The rules are listed in Chapter 10A of the North Carolina Administrative Code, Section 70E. The notation is 10A NCAC 70E. They are often referred to as “THE RULES” or “70E.” Social workers and licensing professionals in private and public child-placing agencies contribute to the development and revision of these rules to ensure they reflect the best thinking of child placing and foster home professionals.

The Philosophy Behind the Rules

North Carolina’s child welfare system seeks to ensure the safety, permanence, and well-being of all children. Accordingly, we have created licensing standards, rules, and procedures that we believe promote practice that supports these goals. These tools have evolved and will continue to evolve based on what we learn from research and from the experiences of North Carolina’s licensing professionals, foster families, and others.

Safety First. In North Carolina the safety of the child—and of everyone else—is our first concern. One of the best ways to protect children in foster care is through rigorous licensing processes and continual assessment of the safety of everyone in the foster home.



Behind North Carolina’s licensing rules, standards, and policy lies a firm belief in the power and effectiveness of respectful partnerships with all families, including foster families.

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Family-Centered Practice. We also believe strongly in the benefits of family-centered child welfare practice, which is an approach that can be applied to all families, including foster families. In our state the core concepts of respectful, family-centered practice are expressed in the Six Principles of Partnership (See item I in the Appendix). These principles are the foundation of North Carolina’s Multiple Response System.

The 12 Skills. The 12 Skills for Successful Fostering and Adopting are similar to the Six Principles in that they emphasize partnership, building on the strengths of the child, and using those strengths to meet needs. For more on the 12 Skills, see Chapter 3, “Initial Licensing Process and Forms.”

Successful Use of the Rules

For the licensing process to function properly and achieve its intended purpose (ensuring the safety, permanence, and well-being of children in out-of-home care), licensing professionals must keep two things in mind.

- **The rules are guides.** As explained further below, they are minimal standards designed to help social workers make licensing decisions in keeping with North Carolina’s safety-oriented, strengths-building, family-centered philosophy.



To use the rules successfully, licensing professionals must make active use of their professional judgment.

- **You must actively use your judgment.** To use the rules successfully, social workers must make active use of their professional judgment. Rather than using the rules as a comprehensive checklist that we can rely on to tell us whether a family would make an appropriate foster placement, licensing professionals should be constantly aware of the spirit behind the rules.
For example, even if there is no prohibition within the rules on licensing homes with trampolines, the spirit of the rules would indicate that this would be a serious issue of concern. Statistics suggest that trampoline-related injuries are increasing, and that even when children are carefully supervised, injuries are still likely to occur. Although fractures and broken bones are the most common trampoline-related injury, serious head and neck injuries also occur frequently (Dreyfuss 1998).

Rules Are Minimal Standards

North Carolina's licensure rules reflect the absolute minimum child-placing agencies must do to ensure basic protection of children in out-of-home care. It is the Division's hope that child-placing agencies will build upon this baseline to raise standards for foster homes and improve the care provided to children.

Rules and Waivers

North Carolina's foster home licensing rules cover most situations faced by licensing professionals. Yet occasionally there will be circumstances that do not fit the rules. In such circumstances, the rules may be "waived" on a case-by-case basis. Some rules and procedures may be waived administratively at the discretion of the Licensing Authority. Some require extra work to be waived. Others can never be waived.

If you have such issues, call the Licensing Authority and discuss it with a licensing consultant. See page 3 for tips for leaving the "perfect" licensing-related phone message.



None of the requirements regarding training, fingerprinting, or criminal record checks may be waived. However, if you are faced with a specific situation where the rules do not seem to help get a competent family licensed to care for children, call the Licensing Authority.

Rules pertaining to care of children may be waived by submitting a formal request for a waiver. This requires submitting form DSS-5199 (Request for a Waiver). For example, our rules require that foster parents complete high school or have a GED. For family foster care we can waive this if the Supervising Agency provides documentation (on the DSS-5199) that the foster parent has basic reading and writing skills, can read and follow medication instructions, and can effectively use the Medication Administration Record (MAR). However, Mental Health/Medicaid service definitions require that therapeutic foster parents must have completed high school or have a GED; this requirement cannot be waived.

Some rules may not be waived. None of the training requirements may be waived. The rules about fingerprinting and criminal record checks are based on specific North Carolina laws and cannot be waived.

Keeping in mind the rules that cannot be waived, if you are faced with a specific situation where the rules do not seem to help get a competent family licensed to care for children, call the Licensing Authority. Discuss the situation with a consultant. Licensing consultants are there to help assure safety, permanence, and well-being for our children and to make the licensing process as efficient as possible.

To request a waiver, submit a DSS-5199. A sample of this form can be found on the following page. Note that in most cases it is necessary to notify the guardians ad litem for the children in the home when requesting a waiver.

Where to Find the Rules

Rules. North Carolina's Licensing Rules (Chapter 10A of the North Carolina Administrative Code, Section 70E) can be found online at <http://www.dhhs.state.nc.us/dss/licensing/10ANCAC70E.htm>

Where to Find Criminal History and Background Check Information

- **Local Criminal Record:** Clerk of Superior Court at the courthouse where the applicant resides, request an AOC (Administrative Office of the Courts) record check.
- **Statewide Database Check:** This check is free and available online at <http://www.doc.state.nc.us/offenders>. Select Offender Information-Public Search.
- **North Carolina Sex Offender and Public Protection Registry:** This check is free and available online at <http://ncfindoffender.com>.
- **Nurse Aide I and Health Care Personnel Registry:** This check is free and available online at <http://www.ncnar.org> or you can call 919/715-0562.
- **Fingerprint Check:** Samples of the required forms for this check are in the Appendix (L. Fingerprinting forms) of this guide. Forms are accessed from and forwarded to:

Criminal Records Check Unit
319 Chapanoke Road
2201 Mail Service Center
Raleigh, North Carolina 27699-2201

Where to Find the Forms

Go to <http://info.dhhs.state.nc.us/olm/forms/forms.aspx?dc=dss>. Please note that forms are revised periodically. You are advised to visit this page occasionally to ensure you have the most recent version of the forms you use.

