



North Carolina Department of Health and Human Services
Division of Social Services

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August 1, 2011

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

DEAR EXECUTIVE DIRECTOR OF CHILD-PLACING AGENCIES

**ATTENTION: CHILD WELFARE SUPERVISORS, FOSTER HOME LICENSING SOCIAL WORKERS
AND ADOPTION SOCIAL WORKERS**

**SUBJECT: FOSTER HOME LICENSING AND ADOPTION PREPLACEMENT ASSESSMENT
RULE CHANGES**

On July 21, 2011 the Rules Review Commission amended four rules that relate to foster home licensing. The amended rules are found in 10A NCAC 70E .0703, .0704, .0802, and .1115. These amended rules are effective August 1, 2011. These amended rules with an explanation are outlined below. Strikethroughs represent the part of the rules that are being deleted and underlines represent the new language in the rules.

10A NCAC 70E .0703 NEW LICENSES

- (a) The supervising agency shall submit all licensing materials to the licensing authority dated within 180 days prior to submitting an application for a new license. The supervising agency shall submit medical examinations of the members of the foster home to the licensing authority dated within 12 months prior to submitting an application for a new license. ~~Fire inspections shall be current as determined by the local fire inspector.~~
- (b) The supervising agency shall submit all licensing application materials required for a license to the licensing authority at one time. The licensing authority shall return incomplete licensing applications to the supervising agency.
- (c) The licensing authority shall issue a new license, if approved according to the rules in this Section, effective the date the application and all required materials are received by the licensing authority.

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

Eff. September 1, 2007;

Amended Eff. August 1, 2011; Amended Eff. November 1, 2009.

10A NCAC 70E .0704 RELICENSURE AND RENEWAL

- (a) Materials for renewing a license are due to the licensing authority prior to the date the license expires.
- (b) All relicensing materials shall be completed and dated within 180 days prior to the date the supervising agency submits materials for licensure to the licensing authority. Medical examinations of the members of the foster home shall be completed and dated within 12 months prior to submitting materials for relicensure. ~~Fire inspections shall be current as determined by the local fire inspector.~~
- (c) All relicensing materials shall be submitted at one time to the licensing authority. The licensing authority shall return returns. Incomplete incomplete relicensure applications shall be returned to the supervising agency.
- (d) If materials are submitted after the foster home license expires, a license, ~~if approved, shall be~~ is issued by the licensing authority effective the date the licensing materials are ~~received~~ approved by the licensing authority.
- (e) When a foster home license is terminated for failure to submit relicensure materials, the licensing authority shall relicense the home ~~shall be relicensed~~ if the relicensure materials are submitted to the licensing authority within one year of the date the license was terminated and all requirements are met. After one year, the supervising agency shall submit a new licensure application to the licensing authority.
- (f) When a foster home license has been terminated in good standing and the foster family wishes to be licensed again, the licensing authority shall renew the license ~~shall be renewed~~ if there are no changes or the changes meet the requirements of the Rules of this Section. The period of time for this renewed license is from the date the request is received by the licensing authority to the end date of the license period in effect when the license was terminated.

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

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

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

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

Amended Eff. August 1, 2011; Amended Eff. November 1, 2009.

Prior to November 1, 2009 fire inspections for foster homes were due every two years. Rules were amended effective November 1, 2009 to state fire inspections are current as determined by the fire inspector. The Licensing Authority was advised that this change was too vague. Effective August 1, 2011, we are returning to the requirement prior to November 1, 2009. Fire inspections are due every two years and must meet the 180 day requirement. This is consistent with other requirements related to the Environmental Conditions Report, Medical History Form, RIL results, etc.

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

(a) The mutual home assessment shall be carried out in a series of planned discussions between the licensing worker of the supervising agency, the prospective foster parent applicants and other members of the household. The family shall be seen by the licensing social worker in the family's home and in the supervising agency's office. ~~For two-parent homes, separate as well as joint discussions with both parents shall be arranged. For foster homes with more than two parents, separate as well as joint discussions with all parents shall be arranged.~~

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

*History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Amended Eff. August 1, 2011; Eff. September 1, 2007.*

Effective August 1, 2011, the interview requirements for foster parents and household members are the same for adoptive applicants {10A NCAC 70H .0405(a)}. Single applicants shall be interviewed two times on two different dates. Joint applicants are required to be interviewed one time separately and two times together. The joint interviews must occur on two different dates. You will need to begin this process immediately with new applicants. We understand that agencies are in the process of completing paperwork for submitting applications and have finished their interviews with applicants. Therefore we are extending the timeframe for enforcing this rule until September 1, 2011. However, after September 1, 2011 applications must indicate that this new rule has been met or they will be returned.

10A NCAC 70E .1115 RESPONSIBLE INDIVIDUALS LIST

(a) An applicant is not eligible for licensure if the applicant has within the last five years been substantiated for abuse or serious neglect and is placed on the Responsible Individuals List as defined in North Carolina General Statute 7B-311.

(b) After five years, an applicant who is on the Responsible Individuals List may be considered for licensure based on the following factors:

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

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

*History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.5; 143B-153;
Amended Eff. August 1, 2011; Eff. September 1, 2007.*

Item (c) is all ready policy due to the fact that it is a federal requirement. This requirement is now reflected in North Carolina administrative rules.

The Licensing Authority has determined that there is an error in the word document of the Foster Home Relicense, Termination and Change Request Application (DSS-5157). On page 2, Item 12, the Family History Form (DSS-5017) was omitted. Submitting a DSS-5017 on all household members is a requirement for relicensure. This requirement is reflected on the pdf version of the form on the Division of Social Services website for forms. Attached is the updated word document.

If you have questions about the amended foster home licensing rules or the revised form (DSS-5157) contact Rhoda Ammons or Nicole Jensen at 828-669-3388.

On July 21, 2011 the Rules Review Commission also amended one rule that relates to preplacement assessments for adoptive applicants. This rule requires adoption agencies to document the results of Child Abuse and Neglect Central Registry Checks of states where applicants have resided for the past five years. This rule is found in Item (b)(24) of rule 10A NCAC 70H .0405. The procedure for obtaining these checks from other states can be found at this website: (http://www.dfps.state.tx.us/child_care/other_child_care_information/abuse_registry.asp).

10A NCAC 70H .0405 PREPLACEMENT ASSESSMENT

(a) The agency shall complete a preplacement assessment within 90 days after the application for adoption has been approved and the request for the assessment has been received. In a case involving a single adoptive applicant, there shall be two separate face-to-face interviews occurring on two different dates. In a case involving joint applicants, there shall be a separate face-to-face interview with each applicant and an additional two face-to-face interviews with both applicants. At least one interview shall be conducted in the applicants' home. There shall be separate face-to-face interviews with each member of the household ten years of age or older. The assessment process shall be a joint effort of the adoption agency and the applicants to determine the kind of child the applicants can best parent. Any assessment that was completed 18 months or more before placement of a child occurs shall be updated to include current information about the family. Any agency updating a preplacement assessment not originally completed by that agency assumes responsibility for the entire assessment, and the new assessment shall reflect that it is the responsibility of the agency conducting the update. Physical examinations of family members shall be current to within 18 months of the assessment.

(b) The agency shall assess the following areas and shall record the information in the adoptive applicants' record:

- (1) the applicants' reasons for wanting to adopt;
- (2) the strengths and needs of each member of the household;
- (3) the attitudes and feelings of the family, extended family, and other individuals involved with the family toward accepting adoptive children, and parenting children not born to them;
- (4) the attitudes of the applicants toward the birth parents and in regard to the reasons the child is in need of adoption;
- (5) the applicants' attitudes toward child behavior and discipline;
- (6) the applicants' plan for discussing adoption with the child;
- (7) the emotional stability and maturity of applicants;
- (8) the applicants' ability to cope with problems, stress, frustrations, crises, and loss;
- (9) the applicants' ability to give and receive affection;
- (10) the applicants' child-caring skills and willingness to acquire additional skills needed for the child's development;
- (11) the applicants' ability to provide for the child's physical and emotional needs;
- (12) whether the applicant has ever been convicted of a crime other than a minor traffic violation;
- (13) the strengths and needs of birth children or previously adopted children,
- (14) the applicant's physical and mental health, including any addiction to alcohol or drugs;
- (15) financial information provided by the applicant, including property and income;
- (16) the applicants' personal character references;
- (17) the applicant's religious orientation, if any;
- (18) the location and physical environment of the home;
- (19) the plan for child care if parents work;
- (20) recommendations for adoption in regard to the number, age, sex, characteristics, and special needs of children who could be best served by the family;
- (21) any previous request for an assessment or involvement in an adoptive placement and the outcome of the assessment or placement;
- (22) whether the individual has ever been a respondent in a domestic violence proceeding or a proceeding concerning a minor who was allegedly abused, neglected, dependent, undisciplined or delinquent, and the outcome of the proceeding or whether the individual has been found to have abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child;
- (23) 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 indicates they have not had child protective services involvement resulting in a substantiation of child abuse or serious neglect;

- (24) documentation of the results of Child Abuse and Neglect Central Registry Checks of states where the applicant has resided the past five years;
- (25) whether the applicant has located a parent interested in placing a child for adoption with the applicant, and a brief, non identifying description of the parent and the child;
- (26) the applicants' age, date of birth, nationality, race or ethnicity;
- (27) the applicant's marital and family status and history, including the presence of any children born to or adopted by the applicant, and any other children in the household;
- (28) the applicant's educational and employment history and any special skills; and
- (29) any additional fact or circumstance that may be relevant to a determination of the applicant's suitability to be an adoptive parent, including the quality of the home environment and the level of functioning of any children in the household.

When any of the information listed in this Paragraph is not reasonably available, the preplacement assessment shall state why the information is unavailable.

(c) The assessment shall be prepared and typed by the agency and shall be reviewed by the agency's adoption review committee, signed and dated by an authorized agency representative when complete and final, and it shall become part of the applicants' permanent record. The agency's adoption review committee shall be composed of a minimum of three members, including an agency representative in a management position in children's services, the child's social worker(s) responsible for the placement and adoption functions of the child's case, and an at-large member selected by the agency.

(d) Once the agency has made a decision regarding the suitability of the applicant as an adoptive placement, the preplacement assessment shall include documentation of the factors which support that determination. If the agency determines that the applicant is not suitable to be an adoptive parent, the assessment shall state the specific concerns that support the determination. A specific concern is one that reasonably indicates the placement of any minor, or a particular minor, in the home of the applicant would pose a significant risk of harm to the well-being of the minor.

(e) The agency preparing the preplacement assessment may redact from the assessment provided to the placing parent or guardian information reflecting the prospective adoptive parent's financial account balances and information about the prospective adoptive parent's extended family members, including surnames, names of employers, names of schools attended, social security numbers, telephone numbers and addresses.

History Note: Authority G.S. 48-2-502; 48-3-303; 131D-10.5; 143B-153;

Eff. October 1, 2008;

Amended Eff. August 1, 2011; Amended Eff. November 1, 2009.

If you have questions about the change in the adoption rule contact the Child Welfare Policy Team at 919-733-4622.

Sincerely,



Kevin Kelley, Interim Chief
Child Welfare Services Section

Attachment: [DSS-5127](#)

cc: Sherry Bradsher
Jack Rogers
Children's Program Representatives
Child Welfare Services Team Leaders
Regulatory and Licensing Services Team