

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
12 DHR 01739

MS. ANTOINETTE L. WILLIAMS)
Petitioner,)
v.)
DEPARTMENT OF HEALTH AND)
HUMAN SERVICES)
Respondent.)

**DECISION GRANTING
SUMMARY JUDGMENT FOR
RESPONDENT**

THIS CAUSE comes before the undersigned administrative law judge on a Motion for Summary Judgment, pursuant to N.C.G.S. § 1A1, Rule 56 and 26 N.C.A.C. 03 .1115, filed on or about the 23rd day of April, 2012, by the Respondent. Based on the affidavits and accompanying documents submitted in support of the Respondent's motion, the undersigned administrative law judge makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. That the Respondent sent the Petitioner a Notice of Administrative Action dated 31 January, 2012 regarding the revocation of her foster home license for her failure to comply with licensing standards, among which, were her failure to comply with administrative rules 10A N.C.A.C. 70E .0902 and .1107.

2. That 10A N.C.A.C. 70E .0902 provides that (a) Foster parents shall sign an agreement under which the foster parents shall: (9) provide any child placed in the home with supervision at all times which the child is in the home, not leave the child unsupervised, and adhere to the supervision requirements specified in the out-of-home family services agreement or person-centered plan, and 10A N.C.A.C. 70E .1107 provides that (a) Foster parents shall agree to work with the supervising agency in the following ways: (5) report to the supervising agency any changes as required by 10A N.C.A.C. 70E. 0902.

3. That the earlier Foster Parent Agreement executed on 1 June, 2010 by the Petitioner, Ms. Williams, with Care and Reunification, Inc., the supervising agency for her foster home, reflects that Ms. Williams specifically agreed "to report to the agency any changes in the composition of her household."

4. That the affidavit dated 17 April, 2012 of Mr. Corbett Hankins, the Assistant Director of Care and Reunification, Inc., the supervising agency for the foster home of Ms. Williams, and the affidavit dated 18 April, 2012, of Ms. Heather Lee, a protective services social worker with the New Hanover Department of Social Services, reflect that Ms. Williams never

reported to her supervising agency that she had permitted her son, a convicted felon, to return to her home and live there with her foster children.

5. That a certified copy of the Petition for a Contested Case Hearing filed on or about 19 March, 2012, by Ms. Williams also reflects, within its contents, her admission that she did, in fact, not inform her supervising agency, Care & Reunification, Inc., that her son was living in her home.

6. That the Petitioner was given an opportunity by letter dated 24 April, 2012, to respond to the Respondent's motion on or before 7 May, 2012, but as of this date, she has not filed a response.

CONCLUSIONS OF LAW

1. That the Petitioner has failed to comply with licensing standards pertaining to her foster home license, in particular, she failed to comply with administrative rules 10A N.C.A.C. 70E .0902 and .1107.

2. That the Petitioner's failure to comply with the above-referenced licensing standards is sufficient to support the revocation of her family foster home license, thus, the Respondent has not otherwise substantially prejudiced the Petitioner's rights or acted erroneously.

FINAL DECISION

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that summary judgment is granted in favor of the Respondent against the Petitioner, Ms. Antoinette Williams, and that this contested case is hereby **DISMISSED**.

NOTICE

Under G.S. 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge may commence such appeal by filing a Petition for Judicial Review in the Superior Court of Wake County or in the Superior Court of the county in which the party resides. The party seeking review must file the Petition within 30 days after being served with a written copy of the Administrative Law Judge's Decision and Order.

Under G.S. 150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 Days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

IT IS SO ORDERED.

This the 15th day of June, 2012.

Fred G. Morrison Jr.
Senior Administrative Law Judge

A copy of the foregoing was mailed to:

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PETITIONER

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This the 15th day of June, 2012.

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