

1 10A NCAC 70E .0602 is amended with changes as published in 31:14 NCR 1379 as follows:

2 **10A NCAC 70E .0602 DEFINITIONS**

3 ~~Except when the context of the Rule indicates that the term has a different meaning the~~ The following definitions shall
4 apply to the rules in Subchapter 70E:

5 (1) "Agency" means a child placing agency as defined in G.S. 131D-10.2 that is authorized by law to
6 receive children for purposes of placement in foster homes or adoptive homes.

7 (2) "Family Foster Home" has the meaning as defined in G.S. 131D-10.2(8).

8 (3) ~~"Family Foster Care" means a planned, goal directed service in which the temporary protection and
9 care of children take place in a family foster home. Family foster care is a child welfare service for
10 children and their parents who must live apart from each other for a period of time due to abuse,
11 neglect, dependency, or other circumstances necessitating out of home care. "Family Foster Care"
12 means foster care, as defined in G.S. 131D-10.2(9), that is provided in a family foster home.~~

13 (4) "Licensing Authority" means the North Carolina Division of Social Services.

14 (5) "Owner" means any person who holds an ownership interest of five percent or more of ~~the~~ an
15 applicant. A person includes a sole proprietor, co-owner, partner or shareholder, principal or
16 affiliate, or any person who is the applicant or any owner of the applicant.

17 (6) "Supervising Agency" means a county department of social services or a private child-placing
18 agency that is authorized by law to receive children for purposes of placement in foster homes or
19 adoptive homes. Supervising agencies are responsible for recruiting, training, and supporting foster
20 parents. Supervising agencies recommend the licensure of foster homes to the licensing authority.

21 (7) "Therapeutic Foster Care" means a foster home where the foster parent has received additional
22 training in providing care to children with behavioral mental health or substance abuse problems.

23 (8) ~~The "reasonable and prudent parent~~ standard", as defined in G.S.131D-10.2, ~~standard has the~~
24 meaning set forth in 131D-10.2A

25
26 *History Note:* Authority G.S 131D-10.1; ~~[131D-10.2;]~~ 131D-10.2A; 131D-10.3; 131D-10.5; 143B-153;
27 Amended Eff. August 1, 2017; September 1, 2007.

1 10A NCAC 70E .0702 is amended with changes as published in 31:14 NCR 1379 as follows:

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3 **10A NCAC 70E .0702 RESPONSIBILITY**

4 (a) Each supervising agency providing foster care services shall assess its applicants and ~~licensees,~~ licensees in
5 accordance with 10A NCAC 70E .0802 through .0805. Supervising agencies shall submit to the licensing authority
6 information and reports that are used as the ~~basis of either issuing or continuing to issue licenses,~~ basis of either issuing
7 or renewing a license.

8 (b) The supervising agency shall submit ~~[data]~~ the following information to the licensing authority within 30 days ~~[of~~
9 ~~the following events to report:]~~ after any of the following events occur:

- 10 (1) ~~[significant]~~ changes in household income;
- 11 (2) criminal charges of any household member;
- 12 (3) changes in the ~~[composition]~~ membership of the household;
- 13 (4) change of address; and
- 14 (5) ~~[significant]~~ changes in physical or mental health.

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

17 *Eff. September 1, 2007;*

18 *Amended Eff. August 1, 2017; November 1, 2009.*

1 10A NCAC 70E .0805 is amended with changes as published in 31:14 NCR 1379 as follows:

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3 **10A NCAC 70E .0805 PERIODIC REASSESSMENT OF HOME**

4 (a) A family or therapeutic foster home shall be reassessed annually ~~[by the supervising agency]~~ at least ~~biennially.~~
5 ~~[annually.]~~ by the supervising agency.

6 (b) Reassessment shall include a mutual assessment with the foster parents of their strengths, ~~skills~~ skills, and abilities
7 to provide care for children, including ways in which they have been able to meet ~~met~~ the needs of children placed in
8 their home and areas in which they need further development.

9 (c) Any changes in physical set up and in the foster parents' capacities for providing foster care since the original
10 home assessment or previous reassessments shall be documented in the family's record.

11 (d) ~~Reassessments~~ Reassessment shall be used as a tool for relicensing the home, ~~[on a biennial basis.]~~ tool for biennial
12 relicensing of the home.

13

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

15 *Amended Eff. August 1, 2017; September 1, 2007.*

1 10A NCAC 70E .0902 is amended with changes as published in 31:14 NCR 1379 as follows:

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3 **10A NCAC 70E .0902 AGENCY FOSTER PARENTS' AGREEMENT**

4 (a) Foster parents shall sign an agreement ~~under~~ pursuant to which the foster parents shall:

- 5 (1) allow ~~the representative~~ a representative of the supervising agency to visit the home in conjunction
6 with licensing procedures, foster care planning, and placement;
- 7 (2) accept children into the home only through the supervising agency and not through other individuals,
8 agencies, or institutions;
- 9 (3) treat a child placed in the home as a member of ~~the family, and when so advised by the supervising~~
10 ~~agency, make every effort to support,~~ the family and, when so advised by the supervising agency,
11 support encourage, and enhance the child's relationship with the child's parents or guardian;
- 12 (4) maintain continuous contact and exchange ~~of~~ information ~~between~~ with the supervising agency ~~and~~
13 ~~the foster parents~~ about matters affecting the adjustment of any child placed in the home. The foster
14 parents shall agree to keep these matters confidential and discuss them only with the supervising
15 agency staff ~~members,~~ member or with other ~~professional people~~ professionals designated by the
16 agency;
- 17 (5) obtain the permission of the supervising agency if the child is to be out of the home for a period
18 exceeding ~~two nights~~ 72 hours;
- 19 (6) report to the supervising agency any [planned] changes in the composition of the household,
20 change of address [before they occur, report changes in physical or mental health, criminal charges
21 of any household member,] or change in the employment status of any adult member of the
22 household [and changes in the financial resources or income of the household within 72 hours;]
23 report to the supervising agency any change of address before it occurs and any of the following
24 within 72 hours of its occurrence:
- 25 (A) changes in the [composition] membership of the household;
26 (B) changes in physical or mental health of any household member;
27 (C) criminal charges against any household member; and
28 (D) changes in the financial resources or income of the household;
- 29 (7) make no independent plans for a child to visit the home of the child's parents, guardian, or relatives
30 without prior consent from the supervising agency;
- 31 (8) adhere to the supervising agency's plan of medical care, both for routine care and ~~treatment,~~
32 treatment and for emergency care and hospitalization; ~~and~~
- 33 (9) provide any child placed in the home with supervision that is appropriate for the [childs] child's age,
34 intelligence, emotional make up, and past [experience] experiences ~~at all times while the child is in~~
35 ~~the home, not leave the child unsupervised,~~ and adhere to the supervision requirements specified in
36 the out-of-home family services agreement or person-centered plan; and

1 (10) agree to comply with ~~[all applicable State and Federal laws pertaining to nondiscrimination.] Title~~
2 ~~VI Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with~~
3 ~~Disabilities Act, the Multiethnic Placement Act, which are incorporated by reference including~~
4 ~~subsequent amendments and editions.~~

5 (b) The supervising agency shall sign an agreement under which the supervising agency shall:

- 6 (1) assume responsibility for the overall planning for the child and assist the foster parents in meeting
7 their day-to-day responsibility towards the child;
- 8 (2) inform the foster parents concerning the agency's procedures and financial ~~responsibility~~
9 ~~responsibilities~~ for obtaining medical care and hospitalization;
- 10 (3) pay the foster parents a monthly room and board ~~payment, and payment and,~~ if applicable, a respite
11 care payment for children placed in the home;
- 12 (4) discuss with the foster parents any plans to remove a child from the foster home;
- 13 (5) give the foster parents notice before removing a child from the foster home;
- 14 (6) visit the foster home and child according to the out-of-home family services agreement or person-
15 centered plan and be available to give needed services and consultation concerning the child's
16 welfare;
- 17 (7) respect the foster parents' preferences in terms of sex, age range, and number of children placed in
18 the home;
- 19 (8) provide or arrange for training for the foster parents;
- 20 (9) include foster parents as part of the decision-making team for a child; ~~and~~
- 21 (10) allow foster parents to review and receive copies of their licensing ~~record, record; and~~
- 22 (11) notify foster parents of their right to obtain personal liability insurance in accordance with G.S. 58-
23 36-44.

24 (c) The agreement shall also contain ~~any~~ all other provisions mutually agreed by the parties.

25 (d) The foster parents and a representative of the supervising agency shall sign and date the agreement initially and
26 at each relicensure. The foster parents and the supervising agency shall retain copies of the agreements.

27
28 *History Note: Authority G.S. 131D-10.1; 131D-10.2A; 131D-10.3; 131D-10.5; 143B-153;*
29 *Amended Eff. August 1, 2017; September 1, 2007.*

1 10A NCAC 70E .1101 is amended with changes as published in 31:14 NCR 1380 as follows:

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3 **10A NCAC 70E .1101 CLIENT RIGHTS**

4 (a) Foster parents shall ensure that each foster child:

- 5 (1) has clothing to wear that is appropriate to the weather;
- 6 (2) is allowed to have personal property;
- 7 (3) is encouraged to express opinions on issues concerning care;
- 8 (4) is provided care in a manner that recognizes variations in the child's cultural values and traditions;
- 9 (5) is provided the opportunity for spiritual development and is not denied the right to practice his or
10 her religious beliefs;
- 11 (6) is not identified in connection with the supervising agency in any way that would bring the child or
12 the child's family embarrassment; as a foster child in any way;
- 13 (7) is not forced to acknowledge dependency on or gratitude to the foster parents;
- 14 (8) is encouraged to contact and have telephone conversations with family members, when not members
15 unless contraindicated in the child's visitation and contact plan;
- 16 (9) is provided training and discipline that is appropriate for the child's age, intelligence, emotional
17 makeup, and past experience;
- 18 (10) is not subjected to cruel or abusive punishment; punishment, as established in G.S. 7B 101(1) and
19 (15);
- 20 (11) is not subjected to corporal punishment;
- 21 (12) is not deprived of a meal or contacts with family for punishment or placed in isolation time-out
22 except when isolation time-out means the removal of a child to an unlocked room or area from
23 which the child is not physically prevented from leaving. The foster parent may use isolation time-
24 out as a behavioral control measure when the foster parent provides it within hearing distance of a
25 foster parent. The length of time alone the isolation time-out shall be appropriate to the child's age
26 and development; for the child's age, intelligence, emotional makeup, and past experiences;
- 27 (13) is not subjected to verbal abuse, threats, or humiliating remarks about himself/herself or his/her
28 families; himself or herself or his or her family;
- 29 (14) is provided a daily routine in the home that promotes a positive mental health environment and
30 provides an opportunity for normal activities with time for rest and play;
- 31 (15) is provided training in good health habits, including proper eating, frequent bathing, and good
32 grooming. is provided training in nutrition and personal hygiene. Each child shall be provided food
33 with nutritional content for normal growth and health. Any diets Diets prescribed by a licensed
34 medical provider shall be provided;
- 35 (16) is provided medical care in accordance with the treatment prescribed for the child;
- 36 (17) of mandatory school age age, as established in G.S.115C-378(a), maintains regular school
37 attendance unless the child has been excused by the authorities;

1 (18) is encouraged to participate in neighborhood and group activities, to have friends visit the home
2 home, and to visit in the homes of friends;

3 (19) assumes responsibility for himself/herself himself or herself and for household duties in accordance
4 with his/her age, health, and ability, that are appropriate for the child's age intelligence, emotional
5 makeup, and past experiences. Household tasks shall not interfere with school, sleep, or study
6 periods;

7 ~~(20)~~ is provided opportunities to participate in recreational activities;

8 ~~(21)~~ (20) is not permitted to do any task which is in violation of child labor laws task that violates child
9 labor laws, as established in G.S. 95-25.5 and Fair Labor Standards Act (FLSA), incorporated by
10 reference including subsequent amendments and editions, or not appropriate for a child of that
11 age; appropriate for the child's age, intelligence, emotional makeup, and past experiences;

12 ~~(22)~~ (21) is provided supervision in accordance with that is appropriate for the child's age, intelligence,
13 emotional makeup, and experience; ~~and~~

14 ~~(23)~~ (22) if less than eight years of age and or weighs less than 80 pounds pounds, is properly secured in a
15 child passenger restraint system that is approved and installed in a manner authorized by the
16 Commissioner of Motor Vehicles. ~~[Vehicles.]~~ in accordance with the manufacturer's instructions;

17 ~~(24)~~ (23) receives appropriate protection of confidential information about the child or the child's family and
18 that confidential information will not be shared unless properly authorized; and is protected from
19 disclosure of confidential information about the child or the child's family. Such confidential
20 information shall not be shared unless lawfully authorized; and

21 ~~(25)~~ (25) is encouraged to participate in extracurricular, enrichment, cultural, and social activities as
22 appropriate and in accordance with 131D-10.2. is encouraged to participate in extracurricular,
23 recreational, enrichment, cultural, and social activities in accordance with 131D-10.2A.

24 (b) Foster parents shall initially and at relicensure sign a Discipline Agreement that specifically acknowledges their
25 agreement as specified in Subparagraphs (a)(9), (10), (11), (12), and (13) of this Rule, as well as discipline
26 requirements outlined in the out-of-home family services agreement or person-centered plan. The foster parents and
27 the supervising agency shall retain copies of these agreements.

28
29 *History Note:* Authority G.S. 131D-10.1; ~~131D-10.2;~~ 131D-10.2A; 131D-10.3; 131D-10.5; 143B-153;
30 Amended Eff. August 1, 2017; September 1, 2007.

1 10A NCAC 70E .1103 is amended with changes as published in 31:14 NCR 1381 as follows:

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3 **10A NCAC 70E .1103 PHYSICAL RESTRAINTS**

4 (a) Foster parents who utilize physical restraint holds shall not engage in discipline or behavior management that
5 includes:

- 6 (1) protective or mechanical restraints;
- 7 (2) a drug used as a restraint, except as outlined in Paragraph (b) of this Rule;
- 8 (3) the seclusion of a child in a locked room; or
- 9 (4) physical restraint holds except for a child who is at imminent risk of harm to himself/herself himself,
10 herself, or others until the child is calm, there is no longer any risk of imminent harm to any party.

11 (b) Foster parents shall not administer drugs to a foster child for the purpose of punishment, foster parent convenience,
12 substitution for adequate supervision supervision, or for the purpose of restraining the child. A drug used as a restraint
13 means a medication used only to control behavior or to restrict a child's freedom of movement, movement and is not
14 a standard medication to treat a psychiatric condition.

15 (c) Before a foster parent shall administer administers physical restraint holds, each foster parent shall complete
16 training that includes at least 16 hours of initial training in behavior management, including techniques for de-
17 escalating problem behavior, the appropriate use of physical restraint holds, monitoring of vital indicators, and
18 debriefing children and foster parents involved in physical restraint holds. Foster parents authorized to use physical
19 restraint holds shall annually complete at least eight hours of behavior management training training, including
20 techniques for de-escalating problem behavior. This training shall count toward the training requirements as set forth
21 in 10A NCAC 70E .1117(6). Only foster parents trained in the use of physical restraint holds shall may administer
22 physical restraint holds.

23 (d) Foster parents shall be trained by instructors who have met the following qualifications and training requirements:
24 Instructors who train foster parents shall have met the following qualifications and training requirements:

- 25 (1) instructors shall demonstrate competence by scoring 100 percent on testing in a training program
26 aimed at preventing, reducing, and eliminating the need for restrictive interventions;
- 27 (2) instructors shall demonstrate competence by scoring 100 percent on testing in a training program
28 teaching the use of physical restraint;
- 29 (3) instructors shall demonstrate competence by scoring a passing grade on testing in an instructor
30 training program as determined by the North Carolina Division of Mental Health, Developmental
31 Disabilities and Substance Abuse Services;
- 32 (4) the instructors' training shall be competency-based, competency-based and shall include measurable
33 learning objectives, measurable testing (written and by observation of behavior) on those objectives,
34 and measurable methods to determine passing or failing the course;
- 35 (5) the content of the instructor training shall be approved by the Division of Mental Health,
36 Developmental Disabilities and Substance Abuse Services, Services; and shall include presentation

1 of understanding the adult learner, methods of teaching content of the course, evaluation of trainee
2 performance and documentation procedures;

3 (6) ~~instructors shall~~ be retrained at least annually and demonstrate competence in the use of physical
4 ~~restraint restraints; to the North Carolina Interventions (NCI) Quality Assurance Committee;~~

5 (7) ~~instructors shall~~ be trained in CPR; CPR such as those provided by the American Red Cross,
6 American Heart Association, or equivalent organizations. Division staff shall determine that an
7 organization is substantially equivalent if the organization is already approved by the Department
8 or meets the same standard of care as the American Heart Association or American Red Cross. The
9 Division shall not accept web-based trainings for certification in CPR;

10 (8) ~~instructors shall~~ have ~~coached experience~~ been coached in teaching the use of restrictive
11 interventions at least two times with a positive review by the coach, and ~~trainers~~ instructors shall
12 teach a program on the use of physical restraints at least once annually; and

13 (9) ~~instructors shall~~ complete a refresher instructor training at least every two ~~years,~~ years;

14 (e) In administering physical restraints, the following shall apply:

15 (1) foster parents shall use only those physical restraint holds approved by the ~~North Carolina~~
16 ~~Interventions (NCI) Quality Assurance Committee, Division of Mental Health, Developmental~~
17 ~~Disabilites, and Substance Abuse Services, pursuant to 10A NCAC 27E .0108.~~ Approved physical
18 restraint holds can be found at the following web site:
19 ~~http://www.dhhs.state.nc.us/mhddsas/training/rscurricula/agencylist10-18-06web.pdf~~
20 ~~{https://www2.ncdhhs.gov/mhddsas/providers/trainingandconferences/restraints.htm}~~
21 https://www2.ncdhhs.gov/mhddsas/providers/trainingandconferences/restraints.htm; (Reviewed
22 Restrictive and Physical Interventions Curricula by Name) which are hereby incorporated by
23 reference including subsequent amendments and editions;

24 (2) ~~before employing a physical restraint hold, the foster parent shall take into consideration the child's~~
25 ~~medical condition and any medications the child may be taking; a foster parent shall not use physical~~
26 ~~restraints that will cause a child harm, given their medical condition or any medications that they~~
27 ~~are taking;~~

28 (3) no child shall be restrained utilizing using a protective or mechanical device; physical object;

29 (4) no child or group of children shall be allowed to participate in the physical restraint of another child;

30 (5) physical restraint holds shall:

31 (A) not be used for purposes of discipline or convenience;

32 (B) be used only when there is imminent risk of harm to the child or others and less restrictive
33 approaches have failed;

34 (C) be administered in the least restrictive manner possible to protect the child or others from
35 imminent risk of harm; and

36 (D) end ~~when the child becomes calm,~~ when there is no longer any risk of imminent harm to
37 any party;

- 1 (6) The foster parent shall:
- 2 (A) ensure that any physical restraint hold ~~utilized~~ used on a child is administered by a trained
- 3 foster parent with a ~~second trained foster parent or with a~~ second trained adult in
- 4 attendance. Concurrent with the administration of a physical restraint hold and for a
- 5 minimum of 15 minutes subsequent to the termination of the hold, a foster parent shall
- 6 monitor the child's breathing, ascertain the child is verbally responsive and ~~motorically in~~
- 7 ~~control,~~ has motor control and ensure the child remains conscious without any complaints
- 8 of pain. The supervising agency may seek a waiver from the licensing authority for a foster
- 9 parent to administer a physical restraint hold without a second trained adult in ~~attendance,~~
- 10 ~~and completion of the waiver request form-~~ attendance. The licensing authority shall grant
- 11 the waiver if it receives a written waiver request; written approval from the child's parent,
- 12 guardian, or custodian that the administering of a physical restraint hold without a second
- 13 trained person present is ~~acceptable,~~ acceptable; written approval from the supervising
- 14 agency that the foster parent is authorized to administer a physical restraint hold without a
- 15 second trained person ~~present, and~~ present; documentation that there is approval by the
- 16 child and family ~~team~~ team; and ~~documented~~ documentation in the person-centered plan
- 17 or out-of-home family services agreement that it is acceptable for the foster parent to
- 18 administer a physical restraint hold without a second trained person present;
- 19 (B) immediately terminate the physical restraint hold or adjust the position to ensure that the
- 20 child's breathing and motor control are not ~~restricted,~~ restricted if at any time during the
- 21 administration of a physical restraint hold the child complains of being unable to breathe
- 22 or loses motor control;
- 23 (C) immediately seek medical attention for the ~~child,~~ child if at any time ~~the child appears to~~
- 24 ~~be in distress; and~~ it appears to be necessary;
- 25 (D) conduct an interview with the foster child about the incident following the use of a physical
- 26 restraint ~~hold,~~ hold;
- 27 (7) The supervising agency shall interview the foster parent administering the physical restraint hold
- 28 about the incident following the use of a physical ~~restraint hold by the supervising agency,~~ restraint
- 29 and shall document the incident in a report. Each report shall include:
- 30 (8) ~~The supervising agency shall document each incident of a child being subjected to a physical~~
- 31 ~~restraint hold on an incident report provided by the licensing authority. The incident report shall~~
- 32 ~~include:~~
- 33 (A) the child's name, age, height, and weight;
- 34 (B) the type of hold utilized;
- 35 (C) the duration of the hold;
- 36 (D) the trained foster parent administering the hold;
- 37 (E) the ~~trained foster parent or~~ trained adult witnessing the hold;

- 1 (F) the less restrictive alternatives that were attempted prior to utilizing physical restraint;
2 (G) the child's behavior that necessitated the use of physical restraint; and
3 (H) whether the child's condition necessitated required medical attention. attention; and

4 ~~(9)~~ (8) Physical restraints where a person ends up in a prone or face down position ~~are~~ shall be prohibited.

5 (f) Foster parents shall annually receive written approval from the executive ~~director or his/her designee of the~~
6 ~~supervising agency before administering~~ director of the supervising agency or his or her designee before administering
7 physical restraint holds. This written approval shall be based upon the executive director's evaluation of the foster
8 parent's historical use of physical restraints. The foster parent shall retain a copy of the written approval and a copy
9 shall be placed in the foster home record.

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

12 *Amended Eff. August 1, 2017; September 1, 2007.*

1 10A NCAC 70E .1107 is amended with changes as published in 31:14 NCR 1383 as follows:

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3 **10A NCAC 70E .1107 RELATIONSHIP TO SUPERVISING AGENCY**

4 (a) Foster parents shall agree to work with the supervising agency in the following ways:

5 (1) work with the child and the child's parent(s) parent or guardian(s) guardian in the placement process,
6 reunification process, adoption process, or and any change of placement process;

7 (2) consult with social workers, mental health personnel, licensed medical providers, and other persons
8 authorized by the child's parent(s), guardian(s) parent, guardian, or custodian who are involved with
9 the child;

10 (3) maintain confidentiality regarding children and their parent(s) parent or guardian(s); guardian

11 (4) keep records regarding the child's illnesses, behaviors, social needs, educational needs, and family
12 visits and contacts; and

13 (5) report to the supervising agency any changes as required by 10A NCAC 70E .0902.

14 (b) In addition to Subparagraphs (a)(1) through (5) Paragraph (a) of this Rule, foster parents who provide therapeutic
15 foster care services shall:

16 (1) be trained as set out in 10A NCAC 70E .1117; ~~and~~

17 (2) allow weekly supervision and support from a qualified professional as defined in 10A NCAC 27G
18 ~~.0104 .0104(19); and .0203.;~~ [and]

19 (3) allow weekly supervision and support from a qualified professional as outlined in 10A NCAC 70G
20 .0503(r).

21

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

23 *Eff. September 1, 2007;*

24 *Amended Eff. August 1, 2017; November 1, 2009.*

1 10A NCAC 70E .1116 is amended with changes as published in 31:14 NCR 1383 as follows:

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3 **10A NCAC 70E .1116 CRIMINAL HISTORY CHECKS**

4 (a) The supervising agency shall complete the following activities at initial licensure for new foster parent applicants
5 and any member of the prospective foster parents' household who is 18 years of age or older:

6 (1) furnish the written notice as required by G.S. 131D-10.3A(e);

7 (2) obtain a signed consent form for a criminal history check and submit the signed consent form to the
8 Department of Health and Human Services, Criminal Records Check Unit;

9 (3) obtain two sets of fingerprints on SBI identification cards and forward both sets of fingerprints to
10 the Department of Health and Human Services, Criminal Records Check Unit. Once an individual's
11 fingerprints have been submitted to the Department of Health and Human Services, Criminal
12 Records Check Unit, additional fingerprints shall not be required; ~~and~~

13 (4) conduct a local criminal history check through accessing the Administrative Office of the Courts
14 and the Department of Corrections Offender Population Unified System and submit the results of
15 the criminal history checks to the licensing ~~authority on the Foster Home Application form.;~~
16 authority;

17 (5) ~~[obtain a signed statement that the individual has no criminal, social or medical history which would~~
18 ~~adversely affect their capacity to work with children and adults; obtain a signed statement that the~~
19 ~~individual has not abused or neglected a child or been a respondent in a juvenile court proceeding~~
20 ~~that resulted in the removal of a child or had child protective services involvement that resulted in~~
21 ~~the removal of a child; and obtain a signed statement that the applicant has not abused, neglected,~~
22 ~~or exploited a disabled adult, and has not been a domestic violence perpetrator;]~~
23 obtain a signed statement that

24 (A) the individual has no criminal, social or medical history which would adversely
25 affect their capacity to work with children and adults;

26 (B) obtain a signed statement that the individual has not abused or neglected a child,
27 been a respondent in a juvenile court proceeding that resulted in the removal of a
28 child, or had child protective services involvement that resulted in the removal of
29 a child; and

30 (C) obtain a signed statement that the applicant has not abused, neglected, or
31 exploited a disabled adult and has never committed an act of domestic violence
32 upon another person;

33 (6) conduct a search of the North Carolina Sex Offender and Public Protection Registry; and

34 (7) conduct a search of the North Carolina Health Care Personnel [Registry (pursuant to G.S. 131E-
35 256).] Registry pursuant to G.S. 131E-256.

36 (b) The supervising agency shall conduct a local criminal history check through accessing the Administrative Office
37 of the Courts and the ~~Department of Corrections Offender Population Unified System~~ North Carolina Department of

1 Public Safety, Division of Adult Correction, Offender Information and submit the results of the criminal history checks
2 to the licensing authority ~~on the Foster Home Relicensure, Termination and Change Request Application form~~ at
3 relicensure for foster parents and any member of the prospective foster parents' household 18 years of age or older.

4 ~~[(c) Every two years, the supervising agency shall require that foster parents and any adult member of the household
5 provide a signed statement that the individual has no criminal, social, or medical history which would adversely affect
6 their capacity to work with children and adults; obtain a signed statement that the individual has not abused or
7 neglected a child or been a respondent in a juvenile court proceeding that resulted in the removal of a child or had
8 child protective services involvement that resulted in the removal of a child; obtain a signed statement that the
9 applicant has not abused, neglected, or exploited a disabled adult, and has not been a domestic violence perpetrator;
10 and obtain a signed statement that the applicant is not listed on the North Carolina Health Care Personnel Registry
11 (pursuant to G.S. 131E-256).]~~

12 (C) Every two years, the supervising agency shall require that foster parents and any adult member of the household
13 provide:

14 (1) a signed statement that the individual has no criminal, social, or medical history which would
15 adversely affect their capacity to work with children and adults;

16 (2) a signed statement that the individual has not abused or neglected a child, been a respondent in a
17 juvenile court proceeding that resulted in the removal of a child, or had child protective services
18 involvement that resulted in the removal of a child;

19 (3) a signed statement that the applicant has not abused, neglected, or exploited a disabled adult and
20 has never committed an act of domestic violence upon another person; and

21 (4) a signed statement that the applicant is not listed on the North Carolina Health Care Personnel
22 Registry pursuant to G.S. 131E-256.

23 *History Note: Authority G.S. 131D-10.1; 131D-10.3; 131D-10.3A; 131D-10.5; 143B-153;*
24 *Amended Eff. August 1, 2017; September 1, 2007.*

1 10A NCAC 70E .1117 is amended with changes as published in 31:14 NCR 1384 as follows:

2

3 **10A NCAC 70E .1117 TRAINING REQUIREMENTS**

4 Each supervising agency shall provide, or cause to be provided, preservice and in-service training for all prospective
5 and licensed foster parents as follows:

6 (1) Prior to licensure or within six months from the date a provisional license is issued, each applicant
7 shall successfully complete 30 hours of preservice training. Preservice training shall include the
8 ~~following components:~~ following:

9 (a) ~~General Orientation to Foster Care and Adoption Process;~~ general orientation to foster care
10 adoption process;

11 (b) ~~Communication Skills;~~ communication skills;

12 (c) ~~Understanding the Dynamics of Foster Care and Adoption Process;~~ understanding the
13 dynamics of foster care;

14 (d) ~~Separation and Loss;~~ separation and loss;

15 (e) ~~Attachment and Trust;~~ attachment and trust;

16 (f) ~~Child and Adolescent Development;~~ child and adolescent development;

17 (g) ~~Behavior Management;~~ behavior management;

18 (h) ~~Working with Birth Families and Maintaining Connections;~~ working with birth families
19 and maintaining connections;

20 (i) ~~Lifebook Preparation;~~ lifebook preparation;

21 (j) ~~Planned Moves and the Impact of Disruptions;~~ planned moves and the impact of disruption;

22 (k) ~~The Impact of Placement on Foster and Adoptive Families;~~ the impact of placement on
23 foster and adoptive families;

24 (l) ~~Teamwork to Achieve Permanence;~~ teamwork to achieve permanence

25 (m) ~~Cultural Sensitivity;~~ cultural sensitivity;

26 (n) ~~Confidentiality;~~ and confidentiality;

27 (o) ~~Health and Safety;~~ health and safety;

28 (p) ~~[Trauma Informed Care; and]~~ trauma informed care; and

29 (q) ~~[Reasonable and Prudent Parent Standard as defined in 131D-10.2];~~ the Reasonable and
30 Prudent Parent Standard as defined in 131D-10.2A.

31 (2) Prior to licensure or within six months from the date a provisional license is issued, therapeutic
32 foster parent applicants shall receive at least ten additional hours of preservice training in behavioral
33 mental health treatment services in addition to the training required by item (1) of this Rule,
34 including the following:

35 (a) the role of the therapeutic foster parent;

36 (b) safety planning; and

37 (c) managing behaviors.

- 1 (3) During the initial two years of licensure, each therapeutic foster parent shall receive additional
2 training in the following areas:
- 3 (a) development of the person-centered plan;
 - 4 (b) the dynamics of emotionally disturbed and substance abusing youth and families;
 - 5 (c) the symptoms of substance abuse;
 - 6 (d) the needs of emotionally disturbed and substance abusing youth and families; and
 - 7 (e) crisis intervention.
- 8 (4) ~~Training in first aid, cardiopulmonary resuscitation (CPR) and universal precautions such as those~~
9 ~~provided by the American Red Cross, the American Heart Association, or equivalent organizations~~
10 ~~shall be provided to foster parents before a foster child is placed with the foster family. Training in~~
11 ~~CPR shall be appropriate for the ages of children in care. First aid, CPR, and universal precautions~~
12 ~~training shall be updated as required by the American Red Cross, the American Heart Association,~~
13 ~~or equivalent organizations. The supervising agency shall ensure that family foster parents and~~
14 ~~therapeutic foster parents are trained in medication administration before a child is placed with the~~
15 ~~foster family.~~
- 16 Foster parents shall ~~successfully~~ complete certification in first-aid, cardiopulmonary resuscitation
17 (CPR) and universal precautions provided by either the American Heart ~~Association or~~ Association,
18 the American Red ~~[Cross]~~ Cross, or ~~other~~ equivalent organizations ~~[approved by the Division of~~
19 Social] Services before a foster child is placed with the foster family. ~~[Other organizations shall be~~
20 approved if the Division of Social Services determines that courses offered are substantially
21 equivalent to those offered by the American Heart Association or the American Red Cross.] Division
22 staff shall determine that an organization is substantially equivalent if the organization is already
23 approved by the Department or meets the same standard of care as the American Heart Association
24 or American Red Cross. First-aid, ~~[CPR]~~ CPR, and universal precautions training shall be renewed
25 as required by the American Heart Association, the American Red ~~[Cross]~~ Cross, or equivalent
26 organizations. ~~[Successfully completed is defined as demonstrating]~~ Successfully completed shall
27 mean demonstrating competency, as evaluated by the instructor who has been approved by the
28 American Heart ~~[Association]~~ Association, or the American Red ~~[Cross]~~ Cross, or other
29 organizations approved by the Division of Social Services to provide first-aid, ~~[CPR]~~ CPR, and
30 universal precautions training. Training in CPR shall be appropriate for the ages of children in care.
31 Documentation of successful completion of first-aid, ~~[CPR]~~ CPR, and universal precautions shall
32 be maintained by the supervising agency. ~~[Web-based trainings are not shall not be acceptable~~
33 methods of successfully completing certification in first aid, CPR and universal precautions.] The
34 Division shall not accept web-based trainings for certification in first-aid, CPR, or universal
35 precautions.
- 36 (5) Child-specific training shall be provided to the foster parents as required in the out-of-home family
37 services agreement or person-centered plan as a condition of the child being placed in the foster

1 home. ~~When~~ If the child or adolescent requires treatment for ~~abuse—reactive, sexually reactive and~~
2 ~~sexual-offender behaviors,~~ abuse, for example, if the child or adolescent engages in reactive,
3 ~~sexually reactive, or sexual offender behaviors,~~ specific treatment shall be identified in his/her his
4 ~~or her~~ person-centered plan. Training of therapeutic foster parents is required in all aspects of
5 reactive and ~~offender-specific~~ offender-specific sexual treatment and shall be made available by a
6 provider who meets the requirements specified for a qualified professional as defined in 10A NCAC
7 27G .0104. When the child or adolescent requires treatment for substance abuse, specific treatment
8 shall be identified in his/her person-centered plan. Training and supervision of therapeutic foster
9 parents are required in all aspects of substance abuse and shall be made available by a provider who
10 meets the requirements specified for a qualified substance abuse prevention professional as defined
11 in 10A NCAC 27G .0104. This training shall count towards the training requirements of Item (6)
12 of this Rule.

- 13 (6) Prior to licensure renewal, each foster parent shall ~~successfully~~ complete ~~at least~~ twenty hours of in-
14 service training. This training may be child-specific or may concern issues relevant to the general
15 population of children in foster care. In order to meet this requirement:
- 16 (a) each supervising agency shall provide, or cause to be provided, ~~at least~~ 10 hours of in-
17 service training for foster parents annually;
 - 18 (b) the training shall include subjects that would enhance the skills of foster parents and
19 promote stability for children;
 - 20 (c) a foster parent may complete training provided by a community college, a licensed
21 supervising agency, or other departments of State or county ~~governments;~~ ~~governments~~
22 and, upon approval by the supervising agency, such training shall count towards meeting
23 the requirements specified in this Item; and
 - 24 (d) each supervising agency shall document in the foster parent record the type of activity the
25 foster parent has completed pursuant to this Item.
- 26 (7) A foster family caring for a child with HIV (human immunodeficiency virus) or AIDS (acquired
27 immunodeficiency syndrome) shall complete six hours of training on issues relevant to HIV or
28 AIDS annually. This training ~~may~~ shall count towards the training requirements Item (6) of this
29 Rule.
- 30 (8) Training ~~requirements~~ for physical restraint ~~holds pursuant~~ ~~holds pursuant~~ to 10A NCAC 70E .1103.

31
32 *History Note:* Authority G.S. 131D-10.1; ~~131D-10.2;~~ ~~131D-10.2A;~~ 131D-10.3; 131D-10.5; ~~131D-10.6;~~
33 131D-10.6A; 143B-153;
34 Eff. September 1, 2007;
35 Amended Eff. August 1, 2017; November 1, 2009.

1 10A NCAC 70F .0202 is amended with changes as published in 31:15 NCR 1536 as follows:

2

3 **10A NCAC 70F .0202 RESPONSIBILITIES OF THE GOVERNING BODY**

4 (a) The governing body shall provide leadership for the agency and shall approve the agency's policies and
5 programs.

6 (b) The governing body shall employ an executive director who is located in the agency's administrative office
7 within the geographical boundaries of North Carolina and delegate responsibility to that person for the
8 administration and operation of the agency, including the employment and discharge of all agency staff.

9 geographical boundaries of North Carolina and shall delegate responsibility for the administration and operation of
10 the agency to that director, including the employment and discharge of all agency staff.

11 ~~(c) The governing body shall require the executive director provide a signed statement that the executive director has~~
12 ~~no criminal, social or medical history that would adversely affect his or her capacity to work with children and adults.~~

13 ~~The governing body shall ensure that the criminal histories of an executive director are completed. The governing~~
14 ~~body shall ensure that searches of the North Carolina Sex Offender and Public Protection Registry and the North~~

15 ~~Carolina Health Care Personnel Registry (pursuant to G.S. 131E-256) are completed. The governing body shall submit~~
16 ~~authorization to the licensing authority to search the Responsible Individuals List as defined in 10A NCAC 70A .0102~~

17 ~~to determine if the executive director has had child protective services involvement resulting in a substantiation of~~
18 ~~child abuse or serious neglect. The employing agency shall make all determinations concerning an individual's fitness~~

19 ~~for employment based on the requirements of this Paragraph prior to employment. The governing body shall require~~
20 ~~that the executive director provide a signed statement prior to employment that he or she has not abused or neglected~~

21 ~~a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child~~
22 ~~protective services involvement that resulted in the removal of a child. The governing body shall require that the~~

23 ~~executive director provide a signed statement that he or she has not abused, neglected or exploited a disabled adult~~
24 ~~and that he or she has not been a domestic violence perpetrator. Agencies or applicants that do not have a governing~~

25 ~~body shall provide this information directly to the licensing authority.~~

26 (c) The governing body shall:

27 (1) require the executive director provide a signed statement that the executive director has no
28 criminal, social, or medical history that would adversely affect his or her capacity to work with
29 children and adults;

30 (2) ensure that the criminal histories of an executive director are completed;

31 (3) ensure that searches of the North Carolina Sex Offender and Public Protection Registry and the
32 North Carolina Health Care Personnel Registry pursuant to G.S. 131E-256 are completed;

33 (3) submit authorization to the licensing authority to search the Responsible Individuals List, as
34 defined in 10A NCAC 70A .0102, to determine if the executive director has had child protective
35 services involvement resulting in a substantiation of child abuse or serious neglect;

36 (5) make all determinations concerning an individual's fitness for employment based on the
37 requirements of this Paragraph prior to employment;

1 6) require that the executive director provide a signed statement prior to employment that he or she
2 has not abused or neglected child, has not been a respondent in a juvenile court proceeding that
3 resulted in the removal of a child, and has not had child protective services involvement that
4 resulted in the removal of a child; and

5 7) require that the executive director provide a signed statement that he or she has not abused,
6 neglected, or exploited a disabled adult and that he or she has never committed an act of domestic
7 violence upon another person.

8 Agencies or applicants that do not have a governing body shall provide this information directly to the licensing
9 authority.

10 (d) The executive director is not eligible for employment if he or she has been convicted of a felony involving:

11 (1) child abuse or neglect;

12 (2) spouse abuse;

13 (3) a crime against a child or ~~children (including child pornography);~~ children, including child
14 pornography; or

15 (4) a crime of rape, sexual assault, or homicide.

16 (e) The executive director is not eligible for employment if within the last five years he or she has been convicted of
17 a felony involving:

18 (1) assault;

19 (2) battery; or

20 (3) a drug-related offense.

21 (f) The governing body shall annually evaluate the executive director's ~~performance~~ performance. except a sole
22 proprietor or partner is exempt from this Rule if he or she serves as executive director.

23 (g) The governing body shall approve the annual budget of anticipated income and expenditures necessary to provide
24 the services described in its statement of purpose. Child-placing agencies and residential maternity homes receiving
25 foster care payments or state maternity home funds shall submit an annual audit of their financial statements to the
26 Department of Health and Human Services, Controller's Office, ~~Rate Setting Branch in compliance with~~ Cost Analysis
27 Branch, Rate Setting Unit and shall comply with 10A NCAC 70D .0105(a)(5).

28 ~~The governing body shall annually evaluate the agency's services. This evaluation shall include the agency's~~
29 ~~interaction with other community agencies to serve its clients. The governing body shall annually evaluate the~~
30 ~~effectiveness of the agency's service to its clients. This evaluation shall include the agency's services to ensure client~~
31 safety.

32 (i) The governing body shall establish in writing confidentiality policies and procedures for control and access to and
33 receipt, use, or release of information about its clients.

34 (j) The governing body of child-placing agencies providing foster care services shall develop a written disaster plan
35 that is provided to agency personnel and foster parents. The disaster plan shall be prepared and updated at least
36 annually. The governing body of residential maternity homes shall comply with 10A NCAC 70K .0315(g).

1 (k) ~~The governing body, in the event of the closing of the agency, shall develop a plan for the retention and storage~~
2 ~~of client records. The specifics of this plan shall be submitted to the licensing authority before the actual closing of~~
3 ~~the agency.~~

4 The governing body shall develop a plan, in the event of the closing of the agency, that shall contain:

- 5 (1) the date of projected closing;
- 6 (2) the name, address, email, and phone number of the contact person responsible for accessing the
7 agency's records;
- 8 (3) the physical location of the records; and
- 9 (4) how the agency plans to keep records secure and confidential.

10 (l) The governing body shall develop and implement policies and procedures to comply with ~~all applicable State~~
11 and ~~[Federal] federal laws pertaining to nondiscrimination~~, Title VI Civil Rights Act of 1964, Section 504 of the
12 Rehabilitation Act of 1973, and the Americans with Disabilities Act, incorporated by reference including subsequent
13 amendments and editions.

14 (m) The governing body shall insure that the agency complies with the Multiethnic Placement Act (MEPA) of 1994,
15 P.L. 103-82, as amended by the Interethnic Adoption Provisions (IEP) of 1996, which is incorporated by reference,
16 including subsequent amendments and editions.

17 (n) The governing body shall comply with the terms and conditions of State and Federal requirements to participate
18 in procurement contracts and covered non-procurement transactions as required by 45 C.F.R. 82.510 and 49 C.F.R.
19 29.630, which is incorporated by reference, including subsequent amendments and editions.

20
21 *History Note: Authority G.S. 131D-10.5; 131D-10.6; 131D-10.10; 143B-153;*
22 *Eff. February 1, 1986;*
23 *Amended Eff. July 1, 1990;*
24 *Temporary Amendment Eff. February 1, 2002;*
25 *Amended Eff. August 1, 2017; June 1, 2010; November 1, 2009; October 1, 2008; July 18, 2002.*

1 10A NCAC 70F .0205 is amended with changes as published in 31:15 NCR 1537 as follows:

2

3 **10A NCAC 70F .0205 RESPONSIBILITY TO LICENSING AUTHORITY**

4 (a) The agency shall submit, biennially to the licensing authority, the information and materials to document
5 compliance with the licensure rules and to support issuance of a license.

6 (b) The agency shall submit to the licensing authority a biennial statistical report of program ~~activities.~~ activities that
7 shall include information such as agency governance structure, financial data, staff employed, and clients served
8 during the licensure period.

9 (c) The agency shall provide written notification to the licensing authority of a change in the executive director within
10 72 hours.

11 (d) The agency shall provide written notification to the licensing authority of any changes in policies and procedures
12 to assure that the changes are in compliance with the rules in Subchapters 70E, 70F, 70G, 70H, or 70K. The agency
13 ~~shall receive written approval from the licensing authority before instituting any changes in policies and procedures.~~
14 shall not institute any changes in policies and procedures until after it receives written approval from the licensing
15 authority.

16 (e) Child-placing agencies for foster care shall comply with requirements related to the handling and reporting of
17 critical ~~incidents~~ incidents, in accordance with 10A NCAC 70G .0513. Residential maternity homes shall comply
18 with requirements related to the handling and reporting of critical incidents in accordance with 10A NCAC 70K .0210.

19 (f) ~~When~~ If there is a death of a child or resident in placement in a home supervised by the agency, the executive
20 director or his or her designee shall notify the licensing authority within 72 hours.

21 (g) The agency shall provide to the licensing authority at the time of license application the legal name and social
22 security number of each individual who ~~is an owner and holds~~ at least five percent interest of at least a five percent
23 interest in the agency.

24 (h) The agency shall provide to the licensing authority written notification of a change in the legal name of any ~~owner~~
25 ~~and individuals~~ person holding an interest in the agency of at least five percent within 30 days following the changes.

26 (i) The agency shall notify the local management entity within 24 hours of placement that a child may require Mental
27 Health, Developmental Disability or Substance Abuse ~~services.~~ Services.

28 (j) If a child-placing agency for foster care is monitored by a local management entity, the agency shall provide data
29 to the local management ~~entity,~~ entity as required by Department of Health and Human Services for monitoring and
30 reporting to the General Assembly.

31 (l) The agency shall notify the licensing authority ~~[immediately]~~ within 24 hours if the agency receives notice of
32 debarment that prohibits the agency from participating in State and Federal procurement contracts and covered non-
33 procurement transactions.

34

35 *History Note: Authority G.S. 131D-1; 131D-10.3; 131D-10.5; 143B-153;*

36 *Eff. February 1, 1986;*

37 *Amended Eff. July 18, 2002; July 1, 1990;*

- 1 *Temporary Amendment Eff. July 1, 2003;*
- 2 *Amended Eff. August 1, 2017; October 1, 2008; August 1, 2004.*

1 10A NCAC 70F .0208 is amended with changes as published in 31:15 NCR 1537 as follows:

2

3 **10A NCAC 70F .0208 CONFIDENTIALITY**

4 (a) The agency shall develop and enforce a policy on confidentiality ~~that will;~~ that:

5 (1) ~~identify~~ identifies the individuals with access to or control over confidential information;

6 (2) ~~specify that persons who have access to records or specified information in a record be limited to~~
7 ~~persons authorized pursuant to law. These persons include the client; the parents or guardian or~~
8 ~~legal custodian when the client is a minor; agency staff; auditing, licensing, or accrediting personnel;~~
9 ~~and those persons for whom the agency has obtained a signed consent for release of confidential~~
10 ~~information;~~

11 specify that persons who have access to records or specified information in a record be limited to
12 persons authorized pursuant to law, including:

13 (A) the client;

14 (B) the parents, guardian, or legal custodian if the client is a minor;

15 (C) agency staff;

16 (D) auditing, licensing, or accrediting personnel; and

17 (E) those persons for whom the agency has obtained a signed consent for release of
18 confidential information.

19 (3) ~~require~~ requires that when a client's information is disclosed, a signed written consent for release of
20 information is obtained ~~on a consent for release form signed by~~ from the parent(s); parent, guardian,
21 legal custodian custodian, or client, client if age 18 or older;

22 (4) ~~provide~~ provides for a secure place for the storage of records with confidential information;

23 (5) ~~inform~~ informs any individual with access to confidential information of the provisions of this Rule;

24 (6) ~~ensure~~ ensures that, upon employment and whenever revisions are made to the policy, staff sign a
25 compliance statement ~~which~~ that indicates an understanding of the requirements of confidentiality;

26 (7) ~~permit~~ permits a client to review his or her case record in the presence of agency personnel on the
27 agency premises, in a manner that protects the confidentiality of other family members or other
28 individuals referenced in the record, unless agency personnel determines the information in the
29 client's case record would be harmful to the client;

30 (8) in cases of perceived harm to the client, ~~document~~ documents in writing any ~~refusals~~ refusal to share
31 information with the client, parents, guardian guardian, or legal custodian;

32 (9) ~~maintain~~ maintains a confidential case record for each client;

33 (10) maintain confidential personnel records for all employees (full-time, part-time and contracted); and

34 (11) maintain confidential records for all volunteers and interns;

35 (b) A child-placing agency for foster care and a residential maternity home may destroy in its office:

36 (1) the closed record of a child or resident who has been discharged from foster care or residential
37 maternity care for a period of three years unless included in a federal or state fiscal audit or program

1 audit that is unresolved, ~~then~~ in which case the agency may destroy the record in its office when
2 released from all audits; and

3 (2) a record three years after a child or resident has reached ~~age~~ the age of 18²¹, unless included in a
4 federal fiscal audit or program audit that is unresolved, ~~then~~ in which case the agency may destroy
5 the record in its office when released from all audits.

6 (c) All individual children, birth ~~parents~~ parents, and adoptive family records shall be permanently retained by the
7 agency. After a period of seven years, the files may be microfilmed or scanned in accordance with provisions of G.S.
8 8-45.1, following which the original files may be destroyed by a shredding process. The adoption agency may destroy
9 in its office the closed records of applicants who were not accepted or who did not have a child placed with them three
10 years after the date of their application, unless included in a federal or state fiscal audit or program audit that is
11 unresolved, then the agency may destroy the record in its office when released from all audits.

12

13 *History Note:* Authority G.S. 131D-1; ~~10D-10.3~~; 131D-10.3; 131D-10.5; 143B-153;

14 Temporary Adoption Eff. February 1, 2002;

15 Eff. July 18, 2002

16 Amended Eff. August 1, 2017; October 1, 2008.

1 10A NCAC 70F .0214 is adoption with changes as published in 31:15 NCR 1538 as follows:

2

3 **10A NCAC 70F .0214 NORMALCY FOR FOSTER CHILDREN**

4 (a) Child placing agencies and residential maternity homes shall develop and follow policies and procedures ~~in~~
5 ~~accordance with 131D-10.2.~~ to implement the reasonable and prudent parent standard established in G.S. 131D-10.2A.

6 (b) The agency shall demonstrate compliance with policies and procedures that ~~includes:~~ include:

7 (1) appointment of a designated ~~official(s)~~ official to apply the reasonable and prudent parent standard when
8 determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social
9 activities;

10 (2) documentation of any reasonable and prudent ~~parenting parent~~ standard ~~decision making;~~ decision;

11 (3) training for residential maternity home staff, child placing agency staff, and foster parents in the ~~area of~~
12 reasonable and prudent parent standard; and

13 (4) supervision and support to staff and foster parents in ~~the implementation of~~ implementing the reasonable and
14 prudent parent standard.

15

16 *History Note: Authority G.S. ~~131D-10.2;~~ 131D-10.2A; 131D-10.5; 131D-10.6; 143B-153;*

17 *Eff. August 1, 2017.*

1 10A NCAC 70G .0402 is amended with changes as published in 31:18 NCR 1797 as follows:

2

3 **10A NCAC 70G .0402 DEFINITIONS**

4 ~~Except when the context of the Rule indicates that the term has a different meaning the~~ The following definitions shall
5 apply to the rules in Subchapter 70G:

6 (1) "Agency" means a child placing agency as defined in G.S. 131D-10.2 that is authorized by law to
7 receive children for purposes of placement in foster homes or adoptive homes.

8 (2) "Family Foster Home" has the meaning as defined in G.S. 131D-10.2(8).

9 (3) "Family Foster Care" means ~~a planned, goal directed service in which the temporary protection and~~
10 ~~care of children take place in a family foster home. Family foster care is a child welfare service for~~
11 ~~children and their parents who must live apart from each other for a period of time due to abuse,~~
12 ~~neglect, dependency, or other circumstances necessitating out of home care.~~ means foster care, as
13 defined in G.S. 131D-10.2(9), that is provided in a family foster home.

14 (4) "Guardian" ~~means~~ means:

15 (a) an individual as defined in G.S. 7B-600 who is appointed by the court to serve as the
16 guardian of the person for a ~~juvenile.~~ juvenile:

17 (b) ~~The guardian shall have the care, custody, and control of the juvenile or may arrange a~~
18 ~~suitable placement for the juvenile and may represent the juvenile in legal actions before~~
19 ~~any court. The guardian may consent to certain actions on the part of the juvenile in place~~
20 ~~of the parent including marriage, enlisting in the armed forces and enrollment in school.~~
21 ~~The guardian may also consent to any necessary remedial, psychological, medical, or~~
22 ~~surgical treatment for the juvenile. Guardian also means~~ an individual appointed by the
23 clerk of court in North Carolina to exercise all the powers conferred by G.S. 35A-1241,
24 including a standby guardian appointed under Article 21A of Chapter 35A whose authority
25 has actually ~~commenced~~ commenced; and

26 (c) ~~also means~~ an individual appointed in another jurisdiction according to the law of that
27 jurisdiction who has the powers consistent with G.S. 35A-1241.

28 (5) "Legal Custodian" means a person or agency that has been awarded legal custody of a juvenile by a
29 court of competent jurisdiction.

30 (6) "Licensing Authority" means the North Carolina Division of Social Services.

31 (7) "Out-of-Home Family Services Agreement" ~~means is a~~ Division of Social Services document
32 prepared by a county department of social services required of all children regarding a child in the
33 custody of a county department of social services receiving who receives family foster care services
34 or therapeutic foster care services. This agreement ~~is used to define~~ defines the primary permanency
35 plan; to identify plan, identifies the family's strengths and needs; to set needs, sets objectives and
36 case activities to assist the family in resolving those issues that place the child at risk; to specify
37 risk, specifies consequences if the plan ~~does or~~ does not ~~succeed;~~ and ~~to establish~~ succeed, and

1 establishes the alternative permanency plan if the primary plan does not succeed. The agreement
2 must address the services to be provided or arranged; the visitation plan designed to maintain links
3 with the family; expectations of the family, agency, placement provider and community members;
4 target dates; and expected outcomes.

5 (8) "Owner" means any person who holds an the ownership interest of five percent or more of the
6 applicant. A person includes a sole proprietor, co-owner, partner or shareholder, principal or
7 affiliate, or any person who is the applicant or any owner of the applicant.

8 (9) "Parent" means the birth parent or adoptive parent.

9 (10) "Person-Centered Plan" means is a document prepared by the Division of Mental Health,
10 Developmental Disabilities and Substance Abuse Services document and must be completed on all
11 children regarding a child receiving therapeutic foster care services. services that includes The
12 person centered plan is the umbrella under which all planning for treatment, services services, and
13 supports occurs. Person centered planning begins with the identification of the reason the
14 individual/family is requesting assistance. It focuses on the identification of the individual's/family's
15 needs and desired life outcomes not just a request for a specific service. The plan captures all goals
16 and objectives and outlines each team member's responsibilities within the plan. support.

17 (11) "Supervising Agency" means a county department of social services or a private child- placing
18 agency that is authorized by law to receive children for purposes of placement in foster homes or
19 adoptive homes. Supervising agencies are responsible for recruiting, training, and supporting foster
20 parents. Supervising agencies recommend the licensure of foster homes to the licensing authority.

21 ~~(11)~~ (12) "Social worker" ~~[shall mean those who have]~~ means an individual who has earned a bachelor's,
22 master's, or doctorate degree in social work from a social work program accredited by the Council
23 on Social Work Education (CSWE) as provided in the Social Worker Certification and Licensure
24 Act (G.S. 90B).

25 ~~(12)~~ (13) "Therapeutic Foster Care" means a foster home where in which the foster parent has received
26 additional training in providing care to children with behavioral behavioral, mental health health,
27 or substance abuse problems.

28 ~~(13)~~ (14) The "reasonable and prudent parent standard", as defined in G.S.131D-10.2.] standard has the
29 meaning set forth in G.S. 131D 10.2A.

30
31 *History Note:* Authority G.S 131D-10.1; ~~131D-10.2;~~ 131D 10.2A; 131D-10.3; 131D-10.5; 143B-153;
32 *Eff. October 1, 2008;*
33 *Amended Eff. August 1, 2017;*

1 10A NCAC 70G .0501 is amended with changes as published in 31:18 NCR 1798 as follows:

2

3 **10A NCAC 70G .0501 PERSONNEL**

4 (a) The executive director ~~is responsible for the general management and administration of~~ shall manage and administer
5 the agency in accordance with licensing requirements and policies of the governing body. The executive director shall
6 meet the requirements of a Social Services Program Administrator I as defined by the North Carolina Office of State
7 ~~Personnel: Human Resources.~~ Human Resources. A copy of these requirements can be ~~obtained by contacting the Division of Social~~
8 ~~Services at 828-669-3388 or by reviewing~~ ~~[reviewed]~~ found at the following web site:
9 ~~(http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-04099/PDF_Files/04077.pdf).~~

10 ~~(<http://www.oshr.nc.gov/state-employee-resources/classifications/job-classification>).~~ The college or university degree
11 shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information
12 can be obtained by calling Higher Education Publications, Inc. at ~~1-888-349-7715.~~ or ~~[by viewing site]~~ at:
13 ~~<http://www.hepinc.com>.~~

14 (b) The ~~social work supervisor is responsible for supervising, evaluating, and monitoring~~ Social Work Supervisor or
15 Case Manager Supervisor shall supervise, evaluate, and monitor the work and progress of the ~~social work~~ Social Work or
16 ~~[case management]~~ Case Management staff. The ~~social work supervisor~~ Social Work Supervisor or [case manager
17 supervisor] Case Manager Supervisor shall meet the requirements of a Social Work Supervisor II as defined by the North
18 Carolina Office of State ~~Personnel: Human Resources.~~ Human Resources. A copy of these requirements can be ~~obtained by contacting the~~
19 ~~Division of Social Services at 828-669-3388 or by reviewing the following web site:~~
20 ~~(http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-04099/PDF_Files/04016.pdf).~~ found at

21 ~~(<http://www.oshr.nc.gov/state-employee-resources/classification/job-classification>).~~ The college or university degree
22 shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information
23 can be obtained by calling Higher Education Publications, Inc. at ~~1-888-349-7715.~~ or ~~[by viewing the site]~~ at:
24 ~~<http://www.hepinc.com>.~~ Social ~~work supervisors~~ Work Supervisors or Case Management Supervisors shall receive 24
25 hours of continuing education annually.

26 (c) ~~The social worker [or case manager] is responsible for intake services, providing casework or group work services~~
27 ~~for children and their families, conducting home finding and assessment studies related to foster parents and planning~~
28 ~~and coordinating the services and resources affecting children and their families.~~ The Social Worker or Case Manager
29 shall provide intake services and casework or group work services for children and their families, conduct home-finding
30 and assessment studies related to foster parents and planning, and coordinate the services and resources affecting foster
31 children and their families. The ~~social worker~~ Social Worker or ~~[case manager]~~ Case Manager shall meet the
32 requirements of a Social Worker II as defined by the North Carolina Office of State ~~Personnel: Human Resources.~~ Human Resources. A
33 copy of these requirements can be ~~obtained by contacting the Division of Social Services at 828-669-3388 or by~~
34 ~~reviewing~~ ~~[reviewed]~~ found at the following web site: ~~([http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-](http://www.osp.state.nc.us/CLASS_SPECS/Spec_Folder_03100-04099/PDF_Files/04012.pdf)~~
35 ~~04099/PDF_Files/04012.pdf~~). ~~(<http://www.oshr.nc.gov/state-employee-resources/classification/job-classification>).~~ The
36 college or university degree shall be from a college or university listed at the time of the degree in the Higher Education
37 Directory. This information can be obtained by calling through Higher Education Publications, Inc. at ~~1-888-349-7715.~~

1 ~~[or by viewing at site]~~ at: <http://www.hepinc.com>. Social ~~workers~~ **Workers or Case Managers** shall receive 24 hours of
2 continuing education annually.

3 (d) Social ~~workers~~ **Workers** or ~~case managers~~ **Case Managers** serving children in family foster homes shall serve no
4 more than 15 children. Social ~~workers~~ **Workers** or ~~case managers~~ **Case Managers** serving children in therapeutic foster
5 homes shall serve no more than 12 children. Social ~~workers~~ **Workers** or ~~[case managers]~~ **Case Managers** providing
6 foster home licensing services (~~licensing workers~~) (in this Rule, "licensing workers") shall serve no more than 32 foster
7 families. Agencies providing family foster care services may combine the duties of the social worker or case manager
8 and licensing worker and serve no more than ten children and ten foster families. Agencies providing therapeutic foster
9 care services may combine the duties of the social worker or case manager and licensing worker and serve no more than
10 eight children and eight foster families.

11 (e) Supervision of social workers or case managers shall be assigned as follows:
12

| Supervisors Required | Social Workers or Case Managers |
|---|--|
| 0 | 0-4 (executive director serves as social work or <u>case manager</u> supervisor) |
| 1 | 5 |
| 2 | 6-11 |
| 3 | 12-17 |
| There shall be one additional supervisor for every one to five additional social workers or case managers. | |

13
14 (f) The ~~[child placing]~~ agency shall ensure that the ~~[social work supervisors]~~ **Social Work Supervisors or Case**
15 **Management Supervisors** and ~~[social workers]~~ **Social Workers or Case Managers** receive training in the areas of child
16 development, permanency planning methodology, family systems and relationships, child sexual abuse, ~~[trauma informed~~
17 ~~care]~~ **trauma-informed care**, and the reasonable and prudent parent standard.

18
19 *History Note:* Authority G.S. **131D-10.2A**; 131D-10.5; 143B-153;
20 Eff. October 1, 2008;
21 Amended Eff. August 1, 2017; June 1, 2010.

1 10A NCAC 70G .0503 is amended with changes as published in 31:18 NCR 1799 as follows:

2
3 **10A NCAC 70G .0503 PLACEMENT SERVICES**

4 (a) The agency shall assist the parents or guardian to assume or resume their parental roles and
5 responsibilities as specified in the out-of-home family services agreement or person-centered plan.

6 (b) The agency shall assist the parents or guardian to gain access to the services necessary to accomplish
7 the goals and objectives specified in the out-of-home family services agreement or person-centered plan.

8 (c) The agency shall encourage contacts between parents or guardian and children after placement, in
9 accordance with the visitation and contact plan.

10 (d) The agency shall have a signed agreement with the parents, guardian guardian, or legal custodian of the
11 child in care which that includes the expectations and responsibilities of the agency and the parents,
12 guardian guardian, or legal custodian for carrying out the steps to meet the out-of-home family services
13 agreement or goals of the person-centered plan goals, plan, the financial arrangements for the child in care,
14 and visitation and contact plans.

15 (e) The agency shall select the most appropriate form of family foster care or therapeutic foster care for the
16 child consistent with the needs of the child, parents parents, and guardian for family foster care or
17 therapeutic foster care, guardian. The agency shall provide for any services the child may need and shall
18 make every effort and, when placing the child to child, shall select the least restrictive and most appropriate
19 setting closest to the child's home.

20 (f) The agency shall document any need to place a child in a family foster home or therapeutic foster home
21 that is beyond a radius of 150 miles from the child placing agency and the child's parents or guardian.

22 ~~(g) The agency, when selecting care, shall take into consideration a child's racial, cultural, ethnic, and~~
23 ~~religious heritage and preserve them to the extent possible without jeopardizing the child's right to care.~~

24 ~~(g) The agency, when selecting care, shall~~ [make concerted efforts to] maintain the child's connections to
25 their neighborhood, community, faith, extended family, tribe, [school] school, and friends.

26 (h) The agency shall involve the parents or guardian in the selection of the placement. In accordance with
27 7B-903.1(d) 7B-903.1(d), when the supervising agency intends to change a child's placement, they it shall
28 give the parent or guardian notice of its intention unless precluded by emergency circumstances. Where
29 emergency circumstances exist, the supervising agency shall notify the parent or guardian within 72 hours
30 of the placement change.

31 ~~(i) The family foster home or the therapeutic foster home shall be licensed by the Division of Social~~
32 ~~Services. Each family foster home or the therapeutic foster home in which a foster child is placed shall be~~
33 ~~licensed by the Division of Social Services.~~ licensed by the Division of Social Services.

34 (j) The agency social worker for the child shall become acquainted with the child and family prior to
35 placement, except when a child is placed on an emergency basis or in the case of if the child is an infant.

36 (k) The agency social worker shall help the child understand the reasons for placement and prepare him or
37 her for the new environment. The social worker shall, except when placing under emergency conditions,

1 arrange at least one replacement visit for the child and shall be available to the child, the parents or
2 guardian, and **the** foster parents for supportive services.

3 ~~(l) No child shall be accepted into a foster home without having had a current medical examination by a
4 licensed medical provider (physician, physician's assistant or nurse practitioner). Medical examinations
5 completed by a licensed medical provider within 12 months prior to the admission of the child in foster
6 care are considered current. If a child has not had a medical examination by a licensed medical provider
7 within 12 months prior to admission, the agency shall arrange a medical examination for the child within
8 two weeks after admission or sooner if indicated by the child's health condition. The medical examination
9 report shall include a signed statement by a licensed medical provider specifying the child's medical
10 condition and medications prescribed and indicating the presence of any communicable disease which may
11 pose a risk of transmission in the foster home. If a child is in the custody of a county department of social
12 services, is already scheduled to have and is having a medical examination completed annually, and is
13 entering a foster home, the schedule of annual medical examinations do not have to be changed. A copy of
14 the most recent medical examination report shall be obtained from the responsible county department of
15 social services by the agency.~~

16 ~~(m) The agency shall obtain and record a developmental history for each child.~~

17 ~~(n)~~(l) The agency shall supervise the care of the child and shall coordinate the planning and services for the
18 child and **family family**, as stated in the out-of-home family services agreement or person-centered plan.

19 ~~(m)~~(m) Children in family foster homes and therapeutic foster homes shall have a monthly face-to-face
20 contact by the social worker or case manager or more if specified in the out-of-home family services
21 agreement or person-centered plan. The parents or guardian of children in family foster care and
22 therapeutic foster care shall have a monthly face-to-face contact by the social worker or case manager
23 unless the out-of-home family services agreement or person-centered plan indicates a different schedule of
24 face-to-face contacts.

25 ~~(n)~~(n) The agency social worker or case manager shall meet with the children and the parents, **guardian**
26 **guardian**, or legal custodian, either separately or together based on the out-of-home family services
27 agreement or person-centered **plan plan**, to assess and work on the following:

- 28 (1) progress in resolving problems which precipitated placement;
- 29 (2) parent and child relationship difficulties;
- 30 (3) adjustment to separation;
- 31 (4) adjustment to placement; ~~and~~
- 32 (5) achievement of out-of-home family services agreement goals or person-centered plan goals; and
- 33 (6) the reasonable and prudent parent standard.

34 ~~(o)~~(o) The agency shall refer the child's parents or guardian to other agencies in the community if they
35 require services the agency does not provide and **it is these services are** specified in the out-of-home family
36 services agreement or person-centered plan. The agency shall receive reports from the agency providing
37 services regarding the parents' or guardian's progress or lack of progress.

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

3 ~~(q)~~ The agency shall give foster parents assistance, training, consultation, and emotional support in
4 caring for children and in resolving problems related to their role as foster parents. Foster parents shall
5 have one face-to-face contact per month by the social worker or case manager unless the out-of-home
6 family services agreement or person-centered plan indicates a different schedule of face-to-face contacts for
7 each foster child placed in the home. Phone support and 24-hour on-call support shall be provided to foster
8 parents. Therapeutic foster care parents shall have at least 60 minutes of supervision by a qualified
9 professional as defined in 10A NCAC 27G .0104 on a weekly basis for each therapeutic foster child placed
10 in the foster ~~home~~. ~~home~~ unless the ~~[person-centered plan]~~ person centered plan indicates a different
11 schedule of supervision for each therapeutic foster child placed in the home. At least fifty percent of the
12 supervision shall be [face to face] face-to-face in the foster home unless specified differently in the ~~person-~~
13 ~~centered plan.~~ person centered plan. Therapeutic ~~Foster Parents~~ foster parents providing treatment to
14 ~~children/youth~~ children or youths with substance abuse treatment needs shall receive supervision from a
15 qualified substance abuse professional as defined in 10A NCAC 27G .0104. The agency shall provide each
16 foster parent with a Foster Parent Handbook that outlines agency procedures, requirements and
17 expectations.

18
19 *History Note:* Authority G.S. 131D-10.2; 131D-10.2A; 131D-10.5; 143B-153;
20 *Eff. October 1, 2008;*
21 *Amended Eff. August 1, 2017; November 1, 2009.*

1 10A NCAC 70G .0504 is amended with changes as published in 31:18 NCR 1800 as follows:

2

3 **10A NCAC 70G .0504 OUT-OF-HOME FAMILY SERVICES AGREEMENT FOR CHILDREN**
4 **RECEIVING FAMILY FOSTER CARE SERVICES**

5 (a) The agency shall develop a written out-of-home family services agreement within 30 days of admission of a child
6 in a family foster home. The out-of-home family services agreement shall be developed in cooperation with the child,
7 parents, guardian or legal ~~custodian~~ ~~custodian,~~ ~~and~~ ~~and, when possible, the child and~~ foster ~~parents when possible,~~
8 parents. The out-of-home family services agreement shall be based upon an assessment of the needs of the child,
9 parents or guardian. The out-of-home family services agreement shall include goals stated in specific, realistic, and
10 measurable terms and plans that are action oriented, including responsibilities of staff, parents or guardian, other
11 family members, legal custodian, foster ~~parents~~ parents, and the child. The agreement shall address the following
12 services to be provided or arranged:

- 13 (1) the visitation plan designed to maintain links with the family;
- 14 (2) the expectations of the family, agency, placement provider, and community members;
- 15 (3) target dates; and
- 16 (4) expected outcomes.

17 (b) The out-of-home family services agreement shall be reviewed by the agency within 60 days of placement;
18 placement, the second out-of-home family services agreement review shall occur within 90 days of the first review,
19 and subsequent reviews shall be held every six months. Parents, guardian, legal custodian, the foster parents, the
20 child, as well as any individual or agency and individuals or agencies designated as providing services, services shall
21 participate in the reviews to determine the child's and parents' or guardian's progress or lack of progress towards
22 meeting the goals and objectives, objectives and to determine changes that need to be made in the out-of-home family
23 services agreement.

24 (c) If the legal custodian is a county department of social services, the child-placing agency, the department of social
25 services, the parents or guardian, the foster parents, other service providers providers, and the child shall develop a
26 single out-of-home family services agreement. A copy of the child's out-of-home family services agreement shall be
27 provided to the parents, guardian, the executive director of the child-placing agency or his or her designee designee,
28 and the foster parents by the county department of social services serving as the legal custodian. The child's out-of-
29 home family services agreement shall be provided to other agencies and individuals listed as providing services to the
30 child and to his or her parents or guardian. An age-appropriate age-appropriate version of the out-of-home family
31 services agreement shall be written and provided to each child by the legal custodian.

32 (d) The child-placing agency and foster parents shall attend be informed of court reviews, child and family team
33 meetings, agency reviews and permanency planning action team meetings. The Out-of-Home Family Services
34 Agreement (DSS-5240 or DSS-5241) and the Transitional Living Plan may serve as the out-of-home family services
35 agreement for the child-placing agency if the documents reflect input and participation by the {parents'} parents,
36 child-placing agency and foster parents.

37

- 1 *History Note:* Authority G.S. 131D-10.5; 131D-10.10; 143B-153;
- 2 *Eff. October 1, 2008;*
- 3 *Amended Eff. August 1, 2017; November 1, 2009.*

1 10A NCAC 70G .0506 is amended with changes as published in 31:18 NCR 1801 as follows:

2

3 **10A NCAC 70G .0506 CLIENT RECORDS**

4 (a) The agency shall maintain an individual record for each child receiving foster care services ~~which~~ that contains:

5 (1) an application for services that includes:

6 (A) demographic information about the child, including name, address, sex, race, birth date,
7 birth place, educational information, medical ~~information~~ information, and client record
8 number;

9 (B) demographic information about the parents or guardian of the child, including names,
10 addresses, telephone numbers, birth dates, races, ~~religion~~ religion, and marital status;

11 (C) demographic information about the siblings and other relatives of the child, including
12 names, addresses, and telephone numbers;

13 (D) the reasons the child was removed from the home of his or her parents;

14 (E) a record of the child's prior placements with names and addresses of foster parents and
15 other caregivers and dates of care provided by each foster parent or caregiver, and

16 (F) the services the agency shall provide the child and his or her parents or ~~guardian~~ guardian;

17 (2) legal documents of importance to the ~~child~~ child, including a birth certificate and ~~any~~ court
18 dispositions;

19 (3) pre-admission medical examination report or a medical examination report completed within two
20 weeks of admission (unless the child's health ~~status~~ indicates the completion of a medical
21 examination report sooner) and copies of subsequent medical examination reports;

22 (4) medical reports including medical history, cumulative health history, immunization records, and
23 available psychological and psychiatric reports; and if applicable:

24 (A) documentation of mental illness, developmental ~~disabilities~~ disabilities, or substance abuse
25 diagnosis coded according to the latest edition of the Diagnostic and Statistical Manual of
26 Mental Disorders; ~~Fourth Edition Revised DSM IV~~;

27 (B) documentation of screening and assessment;

28 (C) medication orders and Medication Administration Record (MAR);

29 (D) documentation of medication administration errors;

30 (E) documentation of adverse drug reactions; and

31 (F) orders and copies of lab tests;

32 (5) educational assessments, ~~records~~ records, and reports of school-age children;

33 (6) intake study ~~which~~ that includes initial social assessment and background of parents or guardian and
34 the circumstances leading to the decision to place the child;

35 ~~signed out of home family services agreement or person centered plan along with out of home~~
36 ~~family services agreement or person centered plan reviews which reflect the status of the child,~~
37 ~~parents or guardian in relation to the out of home family services agreement or person centered plan~~

1 and any progress or lack of progress in the goals of the out of home family services agreement or
2 person centered plan;

3 one of the following:

4 (A) a signed out-of-home family services agreement and reviews that reflect the status of the
5 child, parents, or guardian, and any progress or lack of progress in the goals;

6 (B) a person-centered plan and reviews that reflect the status of the child, parents, or guardian,
7 and any progress or lack of progress in the goals; or

8 (C) a person-centered plan along with an out-of-home family services agreement and reviews
9 that reflect the status of the child, parents, or guardian, and any progress or lack of progress in the
10 goals;

11 (8) documentation of services provided;

12 (9) documentation which reflects that reports the dates and content of social worker's or case manager's
13 visits with the child;

14 (10) documentation of the agency's involvement with the parents, guardian guardian, or legal custodian,
15 including services offered, delivered, or rejected;

16 (11) documentation which that includes the content of any administrative or service reviews;

17 (12) a visitation and contact plan that specifies the child's contacts with parents, guardian, siblings and
18 other family members members, and individuals who may have contact with the child;

19 (13) consents for release of information;

20 (14) a signed statement from the parents, guardian guardian, or legal custodian, granting permission to
21 seek emergency care from a hospital or licensed medical provider;

22 (15) emergency information for each child that shall include the name, address address, and telephone
23 number of the person to be contacted in case of sudden illness or accident and the name, address
24 address, and telephone number of the child's preferred licensed medical provider;

25 (16) authorization from the parents, guardian, legal custodian custodian, or licensed medical provider to
26 administer non-prescription medications;

27 (17) consents for time-limited audio-visual recordings signed by the parents, guardian guardian, or legal
28 custodian, and child, the child if 12 years of age or older;

29 (18) documentation of searches for drugs, weapons, contraband contraband, or stolen property, including
30 date and time of the search, and action taken by foster parents and the agency, name of foster parent
31 informing the agency, the date and time the agency is informed of the search, the date and time of
32 the notification to the child's parents, guardian guardian, or legal custodian; and

33 (19) discharge summary including date and time of discharge, the name, address, telephone number, and
34 relationship of the person or agency to whom the child was discharged, a summary of services
35 provided during care, care and needs which remain to be met, and plans for the services needed to
36 meet these goals.

1 ~~(b) If the agency maintains a separate record on the parents and guardians of children whom they place into care, the~~
2 ~~parents' or guardians' record shall contain:~~

- 3 ~~(1) demographic information including names, addresses, birth dates, races, religion, family~~
4 ~~composition;~~
- 5 ~~(2) social histories, including any psychological or psychiatric reports and medical histories;~~
- 6 ~~(3) strengths and needs of the parents or guardian and the services required;~~
- 7 ~~(4) signed agreements between the agency and parents or guardian;~~
- 8 ~~(5) summary of dates of contacts and progress toward goals;~~
- 9 ~~(6) case review reports; and~~
- 10 ~~(7) discharge summary.~~

11 ~~(e) (b) Documentation shall be entered into the child's, parents' or guardian's records within five days of occurrence.~~
12 ~~The agency shall document events and enter information required by the Rule in the record of the child within five~~
13 ~~days of the event or receipt of the information by the agency.~~

14 ~~(4) (c) The agency shall keep separate records for each family foster home which that contains:~~

- 15 ~~(1) the agency application;~~
- 16 ~~(2) the mutual home assessment;~~
- 17 ~~(3) the medical examination reports;~~
- 18 ~~(4) the fire inspection safety report;~~
- 19 ~~(5) the environmental conditions checklist;~~
- 20 ~~(6) proof of high school diploma or GED; GED of each foster parent;~~
- 21 ~~(7) the dates and content of worker's contacts with the foster family; family by an agency representative;~~
- 22 ~~(8) the training record that includes all required and ongoing training;~~
- 23 ~~(9) the foster parent agreement signed by foster parents and agency representative;~~
- 24 ~~(10) the discipline agreement signed by foster parents and agency representative;~~
- 25 ~~(11) three references relevant to the role and responsibilities of a foster parent;~~
- 26 ~~(12) the annual assessment of strengths and needs of the foster family in providing foster care to children;~~
- 27 ~~(13) a chronological record of all placements of children receiving care in the home, including the dates~~
28 ~~of their care and an assessment of the care;~~
- 29 ~~(14) the written approval letter from executive director or his or her designee authorizing foster parents~~
30 ~~to administer physical restraint holds, if applicable;~~
- 31 ~~(15) a signed statement by the foster parents and adult members of the household that they have not been~~
32 ~~found to have abused or neglected a child or have not been a respondent in a juvenile court~~
33 ~~proceeding that resulted in the removal of a child or has had child protective services involvement~~
34 ~~that resulted in the removal of a child;~~
- 35 ~~(16) a signed statement by the foster parents and adult members of the household that they have not been~~
36 ~~confirmed or substantiated for abusing, neglecting neglecting, or exploiting a disabled adult;~~

- 1 ~~(18)~~(17) documentation of the results of the search of the Responsible Individual's List as defined described
2 in 10A NCAC 70A .0102 for all adult members of the household that indicate they have not had
3 child protective services involvement resulting in a substantiation of child abuse or serious neglect;
4 ~~(18)~~(18) signed statement by the foster parents and adult members of the household that they have not been
5 a domestic violence perpetrator; never committed an act of domestic violence upon another person;
6 (19) documentation of the results of the search of the North Carolina Sex Offender and Public Protection
7 Registry of all adult members of the household;
8 (20) documentation of the results of the search of the North Carolina Health Care Personnel Registry
9 pursuant to G.S. 131E-256 of all adult members of the household;
10 (21) copies of waivers, as specified in authorized by 10A NCAC 70L .0102; ~~and~~
11 (22) when closed, a summary containing reasons for the closing of the home and an assessment of the
12 strengths and needs of the foster family in providing foster care to ~~children-~~ children;
13 (23) documentation of the results of criminal record ~~[check(s)]~~ checks of all adult members of the
14 household;
15 (24) fingerprint clearance letters of all adult members of the household;
16 (25) documentation of the results of child abuse and neglect registry checks of every state where the
17 foster parent resided in the past five years; and
18 (26) documentation of the results of the search of the North Carolina Department of Public Safety,
19 Division of Adult Correction, Offender Information for all adult members of the household.
20

21 *History Note: Authority G.S. 131D-10.5; 143B-153;*
22 *Eff. October 1, 2008;*
23 *Amended Eff. August 1, 2017; May 1, 2010.*

1 10A NCAC 70G .0507 is amended with changes as published in 31:18 NCR 1803 as follows:

2

3 **10A NCAC 70G .0507 CLIENT RIGHTS**

4 (a) The agency shall develop and implement policies and procedures to protect the individual rights and dignity of
5 children and families who are provided services by the agency.

6 (b) The agency shall have a client's and family's rights policy that complies with 10A NCAC 70E .1101(a).

7 (c) The agency shall have a policy that prohibits direct involvement by a child ~~in funds solicitation~~ in soliciting funds
8 for the agency.

9 (d) The agency shall have a ~~policy, which~~ policy that prohibits the child's participation in any activities involving
10 audio or visual recording and research without the voluntary signed, time-limited consent of the parents, guardian or
11 legal ~~custodian and child,~~ custodian, and the child if 12 years of age or older.

12 (e) Each agency shall ensure that information ~~relative to~~ about AIDS or related conditions is disclosed only in
13 accordance with the communicable disease laws ~~as~~ specified in G.S. 130A-143.

14 (f) The agency shall have a policy to comply with the reasonable and prudent parent standard in accordance with G.S.
15 ~~131D-10.2, 131D-10.2A.~~

16

17 *History Note: Authority G.S. ~~131D-10.2, 131D-10.2A;~~ 131D-10.5; 143B-153;*

18 *Eff. October 1, 2008;*

19 *Amended Eff. August 1, 2017.*

1 10A NCAC 70G .0510 is amended with changes as published in 31:18 NCR 1803 as follows:

2

3 **10A NCAC 70G .0510 ~~MEDICATION ADMINISTRATION REQUIREMENTS~~ HEALTH SERVICES**

4 (a) The agency shall have written policies and procedures regarding foster parents administering medications to
5 children placed in their home that shall be discussed with each child and the child's parents, guardian guardian, or
6 legal eustodian, custodian prior to or upon placement.

7 (b) These policies and procedures shall address medication:

8 (1) administration;

9 (2) dispensing, packaging, labeling, storage storage, and disposal;

10 (3) review;

11 (4) education and training; ~~and~~

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

14 (6) record in a medical administration record ~~(MAR)~~ (MAR), provided by the supervising ~~[agency of]~~
15 agency, all medications administered to each child. The MAR shall include the following: child's
16 name; the name, strength, and quantity of the medications; instructions for administering the
17 medications; the date and time the medication is administered, discontinued, or returned to the
18 supervising agency or the person legally authorized to remove the child from foster care; the name
19 or initials of the person administering or returning the medications; the child's request for changes
20 or clarifications concerning medications; and the child's refusal of any prescribed medications.

21 (c) Upon discharge of a child from foster care, the foster parents or the agency shall return prescription medication to
22 the person or agency legally authorized to remove the child from foster care. Unwanted, out-dated, improperly labeled,
23 damaged, adulterated adulterated, or discontinued prescription medications shall be ~~returned to a pharmacy for~~
24 ~~disposal.~~ disposed in accordance with the Federal Drug Administration guidelines found at:

25 ~~[<http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm101653.htm>].~~

26 <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm101653.htm>, incorporated by reference with subsequent
27 amendments and editions.

28 (d) The agency shall ensure that each child started or maintained on a medication by a licensed medical provider
29 receives either oral or written education regarding the prescribed medication by the licensed medical provider or his
30 or her designee. In instances where the ability of the child to understand the education is questionable, as determined
31 by a licensed medical or mental health provider, the agency shall ensure that a responsible person receives either oral
32 or written education regarding the prescribed medication by the licensed medical provider or his or her designee and
33 provides either oral or written instructions to the child. The agency shall ensure that the medication education provided
34 is sufficient to enable the child or other responsible person to make an informed consent, to safely administer the
35 medication and to encourage compliance with the prescribed regimen.

36 (e) No child shall be accepted into a foster home without having had a current medical examination by a licensed
37 medical provider (physician, physician's assistant or nurse practitioner). The agency shall ensure that each child shall

1 have a current medical examination. Medical examinations completed by a licensed medical provider (physician,
2 physician's assistant or nurse practitioner) (in this Rule, "licensed medical provider") within 12 months prior to the
3 admission of the child in foster care ~~[are]~~ shall be considered current. If a child has not had a medical examination by
4 a licensed medical provider within 12 months prior to admission, the agency shall arrange a medical examination for
5 the child within two weeks after admission or sooner if indicated by the child's health condition. The medical
6 examination report shall include a signed statement by a licensed medical provider specifying the child's medical
7 condition and medications prescribed and indicating the presence of any communicable disease which may pose a risk
8 of transmission in the foster home. If a child is in the custody of a county department of social services, is already
9 scheduled to have ~~[and is having]~~ a medical examination completed annually, and is entering a foster ~~home,~~ home the
10 schedule of annual medical examinations ~~[do not have]~~ are not required to be changed. A copy of the most recent
11 medical examination report shall be obtained from the responsible county department of social services by the agency.
12 (f) The agency shall obtain and record a developmental history for each child.
13 (g) Children shall have had a dental ~~[examination,]~~ examination by a licensed ~~[dentist,]~~ dentist within one year prior
14 to admission or arrangements shall be made for an exam within six weeks after admission and annually thereafter.
15 The agency shall document dental services in the child's record.

16

17 *History Note: Authority G.S. 131D-10.5;*
18 *Eff. October 1, 2008; 2008;*
19 *Amended Eff. August 1, 2017.*

1 10A NCAC 70G .0512 is amended with changes as published in 31:18 NCR as follows:

2

3 **10A NCAC 70G .0512 PHYSICAL RESTRAINT HOLDS, BEHAVIOR MANAGEMENT AND**
4 **DISCIPLINE**

5 (a) ~~Agencies using physical restraint holds~~ If a foster parent or agency staff member uses a physical restraint hold,
6 the agency staff shall, within 72 hours of an incident involving a physical restraint, review the incident report to ensure
7 that correct steps were followed and forward the report to the parents, guardian or legal custodian and the licensing
8 authority on a report form developed by the licensing authority.

9 (b) Agencies shall submit a report to the licensing authority by the 10th day of each month indicating the number of
10 physical restraint holds used during the previous month on each child and any injuries that resulted.

11 (c) Agencies shall maintain reports of physical restraint holds in a manner consistent with the agency's risk
12 management policies (clinical decisions and activities undertaken to identify, ~~evaluate~~ evaluate, and reduce the risk of
13 injury to clients, ~~staff~~ staff, and visitors and reduce the risk of loss to the agency) and shall ~~make them~~ the reports
14 available to the licensing authority upon request.

15 (d) ~~Foster parents and agency staff who utilize physical restraint holds shall receive at least 16 hours of training in~~
16 Agencies shall provide foster parents and agency staff authorized to use physical restraint holds with 16 hours of
17 training in behavior management, including techniques for de-escalating problem ~~behavior,~~ behavior; the appropriate
18 use of physical restraint ~~holds,~~ holds; monitoring of vital ~~indicators,~~ indicators; and debriefing children, foster ~~parents~~
19 parents, and agency staff involved in physical restraint holds. ~~Foster parents and agency staff authorized to use~~
20 physical restraint holds shall annually complete at least eight hours of behavior management training, Agencies shall
21 provide foster parents and agency staff authorized to use physical restraint holds with eight hours of behavior
22 management training annually, including techniques for de-escalating problem behavior. ~~Foster parents and agency~~
23 staff shall be trained by instructors who have met the following qualifications and training requirements: Instructors
24 who train foster parents and agency staff shall have met the following qualifications and training requirements:

25 (1) ~~trainers shall~~ demonstrate competence by scoring 100 percent on testing in a training program aimed
26 at preventing, reducing and eliminating the need for restrictive interventions;

27 (2) ~~trainers shall~~ demonstrate competence by scoring 100 percent on testing in a training program
28 teaching the use of physical restraint; ~~trainers shall demonstrate~~ and competence by scoring a
29 passing grade on testing in an instructor training program;

30 (3) the training shall be ~~competency-based,~~ competency-based and shall include measurable learning
31 objectives, measurable testing (written and by observation of behavior) on those ~~objectives~~
32 objectives, and measurable methods to determine passing or failing the course;

33 (4) the content of the instructor training shall be approved by the Division of Mental Health,
34 Developmental Disabilities and Substance Abuse ~~Services and shall include presentation of~~
35 understanding the adult learner, methods of teaching content of the course, evaluation of trainee
36 performance, and documentation procedures; Services:

- 1 (5) trainers shall be retrained at least annually and demonstrate competence in the use of physical
2 restraint; restraints;
- 3 (6) ~~trainers shall~~ be trained in CPR; CPR such as those provided by the American Red Cross, American
4 Heart Association, or equivalent organizations. Division staff shall determine that an organization
5 is substantially equivalent if the organization is already approved by the Department or meets the
6 same standard of care as the American Heart Association or American Red Cross. The Division
7 shall not accept web-based trainings for certification in CPR;
- 8 (7) ~~trainers shall~~ have been coached experience in teaching the use of restrictive interventions at least
9 two times with a positive review by the coach;
- 10 (8) ~~trainers shall~~ teach a program on the use of physical restraints at least once annually; and
- 11 (9) ~~trainers shall~~ complete a refresher instructor training at least every two years.

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

17 (f) Physical restraints ~~[where a person ends up]~~ that place a person in a prone or face-down position are prohibited.

18 (f) ~~(g)~~ Foster parents and agency staff shall receive written approval from the executive director or his or her designee
19 of the supervising agency to administer physical restraint holds. The executive director of the agency or his or her
20 designee shall issue approvals to administer physical restraint holds to foster parents and agency staff, pursuant to the
21 rules in this Chapter. A copy of this letter shall be placed in the foster home record of foster parents and the personnel
22 file of agency staff members.

23 ~~(g)~~ (h) Agencies shall complete an annual review of the discipline and behavior management policies and techniques
24 to verify that the physical restraint holds being utilized used are being applied properly and safely. The review of the
25 policies and techniques shall be documented and submitted to the licensing authority at the time of relicensure as part
26 of the reapplication process.

27
28 *History Note:* Authority G.S. 131D-10.5; G.S. 131D-10.5A; 143B-153; [P.L. 113-183;]
29 Eff. October 1, 2008;
30 Amended eff. August 1, 2017; November 1, 2009.

1 10A NCAC 70G .0513 is amended with changes as published in 31:18 NCR 1804 as follows:

2

3 **10A NCAC 70G .0513 CRITICAL INCIDENTS**

4 (a) The agency shall have written policies and procedures for reporting critical incidents.

5 (b) The agency shall follow policies and procedures for handling any suspected incidents of abuse or neglect of a
6 child involving staff, subcontractors, volunteers, interns interns, or foster parents in a foster home supervised by the
7 agency. The policies and procedures shall include:

8 (1) a provision for reporting any suspicion of abuse or neglect to the appropriate county department of
9 social services for investigation;

10 (2) a provision for recording any suspected incident of abuse or neglect and for reporting it to the
11 executive director or to the governing body;

12 (3) a provision for notifying parents, guardian guardian, or legal custodian;

13 (4) a provision for preventing a recurrence of the alleged incident pending the investigative assessment;

14 (5) a policy concerning personnel action to be taken when the incident involves a staff member,
15 subcontractor, volunteer volunteer, or intern;

16 (6) a policy concerning the action to be taken when the incident involves a foster parent;

17 (7) a provision for submitting a critical incident report to the licensing authority within 72 hours of the
18 incident being accepted for an investigative assessment investigation by a county department of
19 social services; and

20 (8) a provision for submitting written notification to the licensing authority within 72 hours of the case
21 decision by the county department of social services conducting the investigative assessment.

22 (c) Critical incident reports shall be submitted to the licensing authority by the executive director or his or her designee
23 on a form provided by the licensing authority within 72 hours of the critical incident. Critical incidents involving a
24 child in placement in a foster home supervised by the agency shall include the following:

25 (1) a death of a child;

26 (2) reports of abuse and neglect;

27 (3) an admission to a hospital;

28 (4) a suicide attempt;

29 (5) a runaway lasting more than 24 hours; and

30 (6) an arrest for violations of state, municipal, county or federal laws.

31 (d) Documentation of critical incidents shall include:

32 (1) the name of child or children involved;

33 (2) the date and time of incident;

34 (3) a brief description of incident;

35 (4) the action taken by staff;

36 (5) a need for medical attention;

37 (6) the name of staff involved and person completing the report;

1 (7) the ~~Name~~ name of child's parent, guardian or legal custodian ~~notified~~ who was notified and the date
2 and time of ~~notification,~~ notification; ~~and;~~ and

3 (8) the approval of supervisory or administrative staff reviewing the report.

4 (e) ~~When~~ If there is a death of a child in placement in a foster home supervised by the agency, the executive director
5 or his or her designee shall notify the parent, ~~guardian~~ guardian, or legal custodian and the licensing authority within
6 72 hours of the death of the child.

7 (f) Critical incident reports shall be maintained in manner consistent with the agency's risk management policies and
8 shall include clinical decisions and activities undertaken to identify, ~~evaluate~~ evaluate, and reduce the risk of injury to
9 clients, ~~staff~~ staff, and visitors and reduce the risk of loss to the agency and shall be made available to the licensing
10 authority upon request.

11 (g) When a foster parent determines that a foster child under the age of 18 is missing, they shall notify the appropriate
12 law enforcement authority immediately; ~~authority within 24 hours.~~

13

14 *History Note:* Authority G.S. 131D-1; 131D-10.5; 131D-10.5A; 143B-153; P.L. 113- 183;
15 *Eff. October 1, 2008;*
16 *Amended Eff. August 1, 2017; November 1, 2009.*