

SUBCHAPTER 70E - LICENSING OF FAMILY FOSTER HOMES

SECTION .0600 - GENERAL

10A CAR 70E .0601 - SCOPE

- (a) The EBCI Public Health and Human Services is the licensing authority for family foster homes and therapeutic foster homes.
- (b) The rules in this subchapter apply to the licensing of family foster homes and therapeutic foster homes and those persons who receive children for the purpose of placement in family foster homes, kinship caregiver foster homes, and therapeutic foster homes.

10A CAR 70E .0602 - DEFINITIONS

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

- (1) "Agency" means a child placing agency that is authorized by law to receive children for purposes of placement in foster homes or adoptive homes.
- (2) "Family Foster Home" means the home of an individual or family fully licensed or approved as meeting the standards established by the Division, that is deemed capable of adhering to the reasonable and prudent parent standard, which provides 24-hour out-of-home care for up to six children who are in foster care.

(A) Anything less than full licensure is insufficient for meeting IV-E eligibility requirements.

(3) "Kinship Caregiver Foster Home" means a category of Family Foster Home, licensure for which is obtained through a specific training curriculum intended to meet unique needs of kinship caregivers. Kinship Caregiver Foster Homes are fully licensed Family Foster Homes which may provide placement for children who meet the definition of relative.

(4) "Family Foster Care" means a planned, goal-directed service in which the temporary protection and care of children take place in a family foster home. Family foster care is a child welfare service for children and their parents who must live apart from each other for a period of time due to maltreatment or other circumstances necessitating out-of-home care.

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(5) "Licensee" means the holder of a foster care license issued by PHHS or another jurisdiction having authority and responsibility to license.

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(6) "Licensor" means the person authorized by the Eastern Band of Cherokee Indians Public Health and Human Services Division to ensure all applicants seeking licensure complete the required process.

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(7) "Licensing Authority" means the Eastern Band of Cherokee Indians Public Health and Human Services Division.

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~~(78)~~ "Licensed residential family-based treatment facility for substance abuse" means a treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with the recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

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

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(10) "Reasonable and Prudent Parent Standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the Department to participate in extracurricular, enrichment, cultural, and social activities.

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(a) In this context, 'caregiver' means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

(11) "Supervising Agency" means the Human Services Program authorized to receive children for purposes of placement in foster homes or adoptive homes. Supervising agencies are responsible for recruiting, training, and supporting foster parents. Supervising agencies recommend the licensure of foster homes to the licensing authority.

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

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SECTION .0700 - LICENSING REGULATIONS AND PROCEDURES

10A CAR 70E .0701 - LICENSING AUTHORITY FUNCTION

(a) The licenser shall submit the licensing application for family foster care, [kinship caregiver foster care](#), and therapeutic foster care to the licensing authority. When the licensing authority receives licensing materials, the licensing authority shall review the licensing materials relative to standards, policies, and procedures for licensing. The licensing authority shall communicate with the licenser submitting the materials if additional information, clarification or materials are needed to make a decision regarding license approval.

(b) A license is valid for the period of time stated on the license for the number of children specified and for the place of residence identified on the license.

10A CAR 70E .0702 - RESPONSIBILITY

Each licenser providing foster care services shall assess its applicants and licensees. Licensers shall submit to the licensing authority information and reports that are used as the basis of either issuing or continuing to issue licenses.

10A CAR 70E .0703 - NEW LICENSES

(a) The licenser shall submit all licensing materials to the licensing authority dated within 180 days prior to submitting an application for a new license. The licenser shall submit medical examinations of the members of the foster home to the licensing authority dated within six months prior to submitting an application for a new license.

(b) The licenser shall submit all licensing application materials required for a license to the licensing authority at one time. The licensing authority shall return incomplete licensing applications to the licenser.

(c) The licensing authority shall issue a new license, if approved according to the rules in this section, effective the date the application and all required materials are received by the licensing authority.

10A CAR 70E .0704 - RELICENSURE AND RENEWAL

- (a) Materials for renewing a license are due to the licensing authority 30 days prior to the date the license expires.
 - (1) The licenser shall send a notice of expiration no later than 180 days prior to expiration of the foster care license.
- (b) All relicensing materials shall be completed and dated within 180 days and no later than 30 days prior to the date the license is set to expire. Medical examinations of the members of the foster home shall be completed and dated within six months prior to submitting materials for relicensure.
- (c) All relicensing materials shall be submitted at one time to the licensing authority. The licensing authority shall return incomplete relicensure applications to the licenser who will then contact the licensee to request missing materials.
- (d) If materials are submitted after the foster home license expires, a license is issued by the licensing authority effective the date the licensing materials are approved by the licensing authority.
 - (1) If a foster home license expires prior to approval of relicensure/renewal due to untimely submission of required materials, no foster care payments may be made on behalf of the child to the non-licensed home.
 - (i) Documentation shall be provided to the licensing authority that trainings for first aid, CPR, and universal precautions are updated.

10A CAR 70E .0705 - CHANGE IN FACTUAL INFORMATION ON THE LICENSE

- (a) A license may be changed during the time it is in effect if the change is in compliance with licensing standards.
- (b) The licenser shall submit supportive data to the licensing authority for the following:
 - (1) Changes in age range, number of children, and sex; or
 - (2) Change in residence.
- (c) A foster home license may not be changed to a residential child-care facility license.

10A CAR 70E .0706 - FOSTER HOME TRANSFER PROCEDURES

- (a) A foster home licensed and in good standing with the licensing authority may transfer from the supervision of EBCI PHHS to the supervision of another Department of Social Services or private child-placing agency upon request. Procedures for transferring licenses include:
 - (1) EBCI PHHS licenser providing copies of the most recent mutual home assessment, training, and licensing documents to the receiving supervising agency;
 - (2) EBCI PHHS licenser agency notifying the custodian(s) of the foster children placed in the home of the transfer;
 - (3) The receiving supervising agency notifying the custodian(s) of the foster children placed in the home of the transfer;
 - (4) A Foster Care Facility License Action Request Form from the previous supervising agency that is marked terminated shall be submitted to the licensing authority;
 - (5) A Foster Care Facility License Action Request Form from the receiving supervising agency that is marked new license shall be submitted to the licensing authority;
 - (6) A cover letter from the EBCI PHHS licenser stating they are aware of the transfer shall be submitted to the licensing authority;
 - (7) A cover letter from the receiving supervising agency requesting transfer shall be submitted to the licensing authority; and

- (8) A mutual out-of-home assessment written by the receiving supervising agency shall be submitted to the licensing authority.
- (b) The materials in Paragraph (a) of this Rule shall be submitted to the licensing authority within 30 days after the foster parents request to transfer to another supervising agency.
- (c) A foster home licensed and in good standing with another licensing authority may transfer from the supervision of another Department of Social Services or private child-placing agency to the supervision of EBCI PHHS upon request. The materials in Paragraph (a) of this Rule shall whenever possible be submitted to the Foster Care Licensure and Appeals Manager of EBCI PHHS within 30 days after the foster parents request to transfer to EBCI PHHS.

10A CAR 70E .0707 - TERMINATION

- (a) Licenses terminate at the end of the two-year license period unless all relicensing materials have been received by the licensing authority prior to the license expiration date.
- (b) The licensing authority shall terminate a license before the end of the two-year license period if requested by the foster parents.

10A CAR 70E .0708 - REVOCATION, CHANGE OF STATUS AND DENIAL OF LICENSE

- (a) The licensing authority may revoke or deny licenses when an agency authorized to investigate allegations of maltreatment finds the foster parent has maltreated a child.
- (b) The licensing authority may revoke or deny a license when the foster home is not in compliance with licensing standards in this subchapter.
- (c) The licensing authority shall base the revocation or denial on the following:
 - (1) A child's circumstances;
 - (2) A child's permanency plan;
 - (3) The nature of the non-compliance; and
 - (4) The circumstances of the placement.
- (d) Foster parents shall be notified in writing of the reasons for the licensing authority's decision to revoke or deny a license. Specific reasons will be given for denial to allow for corrective action and reapplication by the foster parent. When a license has been revoked, foster parents shall submit their license to the licenser so it can be returned to the licensing authority.
- (e) The licensing authority may revoke or deny licensure to an applicant who has a finding that would place the applicant on the following:
 - (1) Health care personnel registry pursuant to N.C.G.S. 131E-256; or
 - (2) Any sex offender and/or central registry.
- (f) The licensing authority may also deny licensure to an applicant under any of the following circumstances:
 - (1) The applicant was the owner of a licensable facility or agency and that a facility or agency had its license revoked;
 - (2) The applicant is the owner of licensable facility or agency that had its license downgraded to probationary status as a result of violations or had its license denied;
 - (3) The applicant was the owner of a licensable facility or agency who voluntarily relinquished that facility or agency's license after the initiation of probation or revocation proceedings, or there is a pending appeal of a denial, status change, or revocation, of that facility or agency's license; or
 - (4) The applicant has as any part of its governing body or management an owner who previously held a license that was revoked.

- (5) The provisions of paragraph (f) apply in the same manner to family foster homes as to owners of a licensable facility or agency.
- (g) Appeal procedures specified in 10A CAR 70L are applicable for persons seeking an appeal to the licensing authority's decision to revoke, change the status or deny a license. If the action is reversed on appeal, the application shall be approved back to the date of the denied application if all qualifications are met.

10A CAR 70E .0709 - KINDS OF LICENSES

(a) Full license. A full license shall be issued for no more than two years when all licensing requirements are met.

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(1) A Kinship Caregiver Foster License shall be a of full license, and as such shall also be issued for no more than two years when all licensing requirements are met.

(b) *Provisional license.*

(1) A provisional license shall be issued for no more than six months while some below-standard component is being corrected.

(2) A provisional license for the same below-standard program component shall not be renewed.

(c) *Probationary license.*

(1) A probationary license shall be issued to a licensee who has had a license but is temporarily unable to comply with a rule or has been subject to multiple complaints or concerns about noncompliance if the following conditions apply:

(A) The noncompliance does not present an immediate threat to the health and wellbeing of the children but would be likely to do so if allowed to continue.

(B) The licensee has a plan approved by the licenser to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months but will not be extended beyond this. At the end of the six-month period the original license shall be reinstated for the remainder of its term, a new license shall be issued, or the original license will be revoked.

(3) An existing license is invalidated when a probationary license is issued.

10A CAR 70E .0710 - OFF BOUNDARY FACILITIES AND FOSTER HOMES

(a) The use of off-boundary residential child-care facilities and foster homes for the placement of children in the custody of DHS shall be in accordance with the following:

(1) Prior to placement into an off-boundary foster home, group home, child-caring institution, maternity home or any other residential child-care facility, the jurisdiction's Department of Social Services placing the child in the off boundary facility shall determine that the foster home, group home, child-caring institution, maternity home, or any other residential child-care facility is licensed according to the standards of that state.

(2) The EBCI Human Services Program shall monitor the licensing and relicensing of the off boundary foster home, group home, child-caring institution, maternity home or any other residential child-care facility through reporting during ICWT staffings, to ensure that no child for whom they have responsibility is in an unlicensed foster home, group home, child-caring institution, maternity home or any other residential child-care facility.

(3) An off-boundary Department of Social Services shall submit to the licensing authority written documentation that an off-boundary foster home, group home, child-caring institution, maternity home or any other residential child-care facility has been licensed and that an Interstate Compact for the Placement of Children or similar form for the child to be placed on the boundary has been signed by both jurisdictions in order for the foster home, group home, child-

caring institution, maternity home or any other residential child-care facility to be issued a license identification number for foster care reimbursement purposes.

SECTION .0800 - MUTUAL OUT-OF-HOME ASSESSMENT

10A CAR 70E .0801 - PURPOSE

- (a) The licenser shall conduct a mutual out-of-home assessment study of the foster home to determine if the home meets the requirements for licensure and is suitable for family foster care of children needing family foster care services or therapeutic foster care of children needing therapeutic foster care services.
- (b) The licenser shall provide information to applicants that will make it possible for the applicants to make a knowledgeable decision about their interest in pursuing licensure. The licenser shall learn enough about the applicants to determine whether the applicants can meet the needs of children and care for children in accordance with licensing requirements. The licenser shall also learn enough about the applicants to determine the kind of child they can best serve.

10A CAR 70E .0802 - METHOD OF MUTUAL OUT-OF-HOME ASSESSMENT

- (a) The mutual out-of-home assessment shall be carried out in a series of planned discussions between the licensing worker of PHHS, the prospective foster parent applicants and other members of the household. The family shall be seen by the licensing social worker in the family's home, in the licenser's office, or in the community.
- (b) In an application involving a single applicant, there shall be two separate face-to-face interviews occurring on two different dates. In an application involving joint applicants, there shall be a separate face-to-face interview with each applicant and an additional two face-to-face interviews with both applicants. The two face-to-face interviews shall occur on two different dates. There shall be separate face-to-face interviews with each member of the household. Training and group sessions do not count as face-to-face interviews. The assessment process shall be a joint effort of the licenser and the applicants to determine the applicants' suitability for providing foster care and the kind of child the applicants can best parent.

10A CAR 70E .0803 - ASSESSMENT PROCESS

- (a) The licenser shall advise the applicants at the first contact with the agency of the licensing requirements for foster care. The licenser shall make a decision whether to continue a mutual home assessment.
- (b) The licenser shall inform the applicants about the services, policies, procedures, standards, and expectations of the agency regarding the provision of foster care services. The applicants shall weigh the responsibilities entailed in providing foster care services and make a decision whether to continue a mutual home assessment.
- (c) Mutual Assessment of the Home and the Family:
 - (1) The mutual out-of-home assessment shall be presented and recorded in such a way that other staff of PHHS can make use of the family as a resource for children. The assessment of the home shall indicate whether the home is in compliance with licensing standards.
 - (2) A mutual out-of-home assessment shall include a family history of applicants, including information about parents, siblings, marriages and family support systems; ability to cope with problems, stress, frustrations, crises, and loss; disciplinary methods used by the applicants' parents; personal experiences of abuse and neglect and domestic violence; criminal convictions; drug or alcohol abuse; emotional stability and maturity; ability to give and receive affection; religious orientation, if any; and educational and employment history.
 - (3) A mutual out-of-home assessment shall be made of the applicants' skills and abilities to provide care for children as set forth in 10A CAR 70E .1104(a).

- (4) All members of the household shall be assessed with respect to their commitment to providing care for children.
- (5) The foster home shall be assessed to determine if there is space to accommodate the number of children recommended for the license capacity.
- (6) The foster home applicants shall be assessed with respect to their willingness to participate in shared parenting requirements.

10A CAR 70E .0804 - USE OF REFERENCES

References shall be used to supplement the information obtained through interviews and observation regarding the applicants. All adult members of the foster home shall provide three references to the licenser.

10A CAR 70E .0805 - FOSTER PARENT AGREEMENT

The Foster Parent(s) Agreement, further described in 10A CAR 70E .0902, defining each party's rights and obligations shall be reviewed and signed by the foster parent(s) and the licensing worker at the time of the initial licensing and at relicensure/renewal.

SECTION .0900 - FORMS

10A CAR 70E .0901 - LICENSE APPLICATION

Application for a license shall be made on a form provided by the licensing authority. The licenser or his/her designee shall sign the form and thereby indicate both the home meets the licensing standards, and the licenser intends to use the home in accordance with the license and provide services to the foster parents. The foster parents shall sign the application indicating their agreement with the information provided, declaring it is true and accurate. The form shall be submitted to the licensing authority no later than 30 days prior to expiration of existing license.

10A CAR 70E .0902 - FOSTER PARENT AGREEMENT

- (a) Foster parents shall sign an agreement under which the foster parents shall:
- (1) Allow the licenser or representative of the licenser to visit the home in conjunction with licensing procedures, foster care planning, and placement;
 - (2) Accept children into the home only through the licenser or the PHHS Family Safety program and not through other individuals, agencies, or institutions;
 - (3) Treat a child placed in the home as a member of the family, and when so advised by the licenser or Family Safety worker, make every effort to support, encourage, and enhance the child's relationship with the child's parents or guardian;
 - (4) Maintain continuous contact and exchange of information between the licenser and the foster parents about matters affecting the adjustment of any child placed in the home. The foster parents shall agree to keep these matters confidential and discuss them only with the licenser, Family Safety staff members, or with other professional people designated by the agency;
 - (5) Obtain the permission of the licenser if the child is to be out of the home for a period exceeding two nights WITHOUT the foster parent;
 - (6) Obtain the permission of the licenser if the child is to be out of the service area or the state for a period exceeding two nights WITH or WITHOUT the foster parent;
 - (7) Report to the licenser any changes in the composition of the household, change of address, or change in the employment status of any adult member of the household;

- (8) Make no independent plans for a child to visit the home of the child's parents, guardian, or relatives without prior consent from the licenser;
 - (9) Adhere to the plan of medical care, both for routine care and treatment, and emergency care and hospitalization; and
 - (10) Provide any child placed in the home with supervision at all times while the child is in the home, not leave the child unsupervised, and adhere to the supervision requirements specified in the out-of-home family services agreement or person-centered plan.
- (b) The licenser shall sign an agreement under which the licenser and Family Safety program shall:
- (1) Assume responsibility for the overall planning for the child and assist the foster parents in meeting their day-to-day responsibility towards the child;
 - (2) Inform the foster parents concerning the agency's procedures and financial responsibility for obtaining medical care and hospitalization;
 - (3) Pay the foster parents a monthly room and board payment, and if applicable, a respite care payment for children placed in the home;
 - (4) Discuss with the foster parents any plans to remove a child from the foster home by discussing at each visit the status of the permanency plan and any change in timeline for removal;
 - (5) Give the foster parents notice before removing a child from the foster home;
 - (6) Visit the foster home and child according to the out-of-home family services agreement or person-centered plan and be available to give needed services and consultation concerning the child's welfare;
 - (7) Respect the foster parents' preferences in terms of sex, age range, and number of children placed in the home;
 - (8) Provide or arrange for training for the foster parents;
 - (9) Include foster parents as part of the decision-making team for a child; and
 - (10) Allow foster parents to review and receive copies of their licensing record.
- (c) The agreement shall also contain any other provisions mutually agreed by the parties.
- (d) The foster parents and the licenser or a representative of licenser shall sign and date the agreement initially and at each relicensure. The foster parents and the licenser shall retain copies of the agreements.

10A CAR 70E .0903 - DEPARTMENT OF HUMAN SERVICES INTERGOVERNMENTAL AGREEMENT

- (a) Before children are placed in a foster home on the Qualla Boundary (the supervising agency) other than the county of their home (the responsible county), the Human Service agency and the DHS shall agree in writing that the supervising agency shall:
- (1) Accept responsibility for supervising the child;
 - (2) Not initiate placement planning for the child without prior agreement from the responsible county, except when an emergency placement in another foster home or licensed facility is necessary;
 - (3) Immediately inform the responsible county when an emergency placement in another foster home or licensed facility precludes prior approval;
 - (4) Engage in no treatment or planning relationship with the child's parents, guardian, or relatives, except upon request of the responsible county;
 - (5) Keep the case confidential; and

- (6) Submit to the responsible county, at intervals specified in the agreement, a written evaluation of the child's adjustment.
- (b) In the agreement, the responsible county shall agree to:
- (1) Make payments for room and board and difficulty of care or respite care, if applicable, to the supervising county in the amounts and at the times specified in the agreement;
 - (2) Take responsibility for placement of the child;
 - (3) Make restitution, in accordance with a plan specified in the agreement, for damage that the child causes to the foster parents' property;
 - (4) Inform the supervising county concerning future planning for the child; and
 - (5) Write the room and board check in a manner specified in the agreement, in order to protect confidentiality.
- (c) The agreement shall specify the manner in which payment for clothes, medical costs, and allowances shall be made.
- (d) The agreement shall specify the dates between which the agreement shall be effective. The agreement shall be signed by the directors of the two county departments of social services. The responsible county and the supervising county shall each have a signed copy of the agreement. The responsible county shall provide the children's services program representative with a copy of the signed agreement, if requested.

SECTION .1000 - CAPACITY

10A CAR 70E .1001 - FOSTER HOME

- (a) No foster home shall be allowed to accept more ~~than six children, than can be accommodated by the size of the home.~~ Exceptions may be made for the following reasons:
- (1) To allow a parenting youth in foster care to remain with the child of the parenting youth.
 - (2) To allow siblings to remain together.
 - (3) To allow a child with an established meaningful relationship with the family to remain with the family.
 - (4) To allow a family with special training or skills to provide care for the a child that has a severe disability.
- (b) The homes capacity shall be determined during the home assessment. Factors to be considered include, but are not limited to:
- (1) Number of bedrooms in the home;
 - (2) Number of beds each bedroom can safely and comfortably support;
 - (3) Level of privacy afforded to the foster child(ren); and
 - (4) The foster parents skill level, stamina, and ability to care for the children.
- (bc) The licenser and the foster home applicant shall mutually decide how many children the family is comfortable supporting.
- (ed) No foster home shall be forced to support more children than the foster home applicant and/or the licenser feel can be safely and comfortably supported in that home.

- (de) The licenser or the licensing authority may choose to limit the amount of foster placements in a home despite the capacity of the home or the wishes of the foster home applicant.
- (ef) No more than four children including no more than two foster children shall reside in any therapeutic foster home at any time. The four children include the foster parent's own children, children placed for therapeutic foster care, children placed for family foster care or any other children living in the home. Therapeutic foster parents shall not provide in-home day care or babysitting services in the therapeutic foster home.
- (fg) Exceptions or non-safety waivers to the capacity standards in Paragraphs (a—e) of this Rule may be made:
 - (1) if written documentation is submitted to the licensing authority for therapeutic foster care that siblings will be placed together and the foster home complies with Subparagraphs (2) and (3) of this Paragraph. The person-centered plan or out-of-home family services agreement for each sibling shall specify that siblings shall be placed together and shall also address the foster parents' skill, stamina, and ability to care for the children;
 - (2) If written documentation is submitted to the licensing authority that the foster home complies with 10A CAR 70E .1108; and
 - (3) If written documentation is submitted to the licensing authority that the foster home complies with 10A CAR 70L .0102.
- (gh) Members of the household 18 years old and over and not receiving foster care services are not included in capacity, but there shall be physical accommodations in the home to provide them room and board.
- (i) [Foster Homes which operate under a Kinship Caregiver Foster License shall only provide placement for children which are defined as relatives per Cherokee Code 7B-101\(a\)\(29\). Should a Kinship Caregiver Foster Home seek placement of children who do not meet the definition of relatives in the above referenced Cherokee Code shall complete additional training requirements to ensure adequate preparation for unique needs associated with care of non-relative children.](#)

SECTION .1100 - STANDARDS FOR LICENSING

10A CAR 70E .1101 - CLIENT RIGHTS

- (a) Foster parents shall ensure that each foster child:
 - (1) Has clothing to wear that is appropriate to the weather;
 - (2) Is allowed to have personal property;
 - (3) Is encouraged to express opinions on issues concerning care;
 - (4) Is provided care in a manner that recognizes variations in cultural values and traditions;
 - (5) Is provided the opportunity for spiritual development and is not denied the right to practice religious beliefs;
 - (6) Is not identified in connection with the licenser in any way that would bring the child or the child's family embarrassment;
 - (7) Is not forced to acknowledge dependency on or gratitude to the foster parents;
 - (8) Is encouraged to contact and have telephone conversations with family members, when not contraindicated in the child's visitation and contact plan;
 - (9) Is provided training and discipline that is appropriate for the child's age, intelligence, emotional makeup, and past experience;

- (10) Is not subjected to cruel or abusive punishment;
 - (11) Is not subjected to corporal punishment;
 - (12) Is not deprived of a meal or contacts with family for punishment or placed in isolation time-out except when isolation time-out means the removal of a child to an unlocked room or area from which the child is not physically prevented from leaving. The foster parent may use isolation time-out as a behavioral control measure when the foster parent provides it within hearing distance of a foster parent. The length of time alone shall be appropriate to the child's age and development;
 - (13) Is not subjected to verbal abuse, threats, or humiliating remarks about himself/herself or his/her families;
 - (14) Is provided a daily routine in the home that promotes a positive mental health environment and provides an opportunity for normal activities with time for rest and play;
 - (15) Is provided training in good health habits, including proper eating, frequent bathing, and good grooming. Each child shall be provided food with nutritional content for normal growth and health. Any diets prescribed by a licensed medical provider shall be provided;
 - (16) Is provided medical care in accordance with the treatment prescribed for the child;
 - (17) Of mandatory school age maintains regular school attendance unless the child has been excused by the authorities;
 - (18) Is encouraged to participate in neighborhood and group activities, have friends visit the home and visit in the homes of friends;
 - (19) Assumes responsibility for himself/herself and household duties in accordance with his/her age, health, and ability. Household tasks shall not interfere with school, sleep, or study periods;
 - (20) Is provided opportunities to participate in recreational activities;
 - (21) Is not permitted to do any task which is in violation of child labor laws or not appropriate for a child of that age;
 - (22) Is provided supervision in accordance with the child's age, intelligence, emotional makeup, and experience; and
 - (23) If less than eight years of age and weighs less than 80 pounds is properly secured in a child passenger restraint system that is approved and installed in a manner authorized by the Commissioner of Motor Vehicles.
- (b) Foster parents shall initially and at relicensure sign a Discipline Agreement that specifically acknowledges their agreement as specified in Subparagraphs (a)(9), (10), (11), (12), and (13) of this Rule, as well as discipline requirements outlined in the out-of-home family services agreement or person-centered plan. The foster parents and the licenser shall retain copies of these agreements.

10A CAR 70E .1102 - MEDICATION

Foster parents are responsible for the following regarding medication:

- (1) General requirements:
 - (a) Retain the manufacturer's label with expiration dates visible on non-prescription drug containers not dispensed by a pharmacist;
 - (b) Administer prescription drugs to a child only on the written order of a person authorized by law to prescribe drugs;
 - (c) Allow prescription medications to be self-administered by children only when authorized in writing by the child's licensed medical provider;

- (d) Allow non-prescription medications to be administered to a child taking prescription medications only when authorized by the child's licensed medical provider; allow non-prescription medications to be administered to a child not taking prescription medication, with the authorization of the parents, guardian, legal custodian, or licensed medical provider;
 - (e) Allow injections to be administered by unlicensed persons who have been trained by a registered nurse, pharmacist, or other person allowed by law to train unlicensed persons to administer injections;
 - (f) Record in a Medication Administration Record (MAR) provided by the licenser all drugs administered to each child. The MAR shall include the following: child's name; name, strength, and quantity of the drug; instructions for administering the drug; date and time the drug is administered, discontinued, or returned to the licenser or the person legally authorized to remove the child from foster care; name or initials of person administering or returning the drug; child requests for changes or clarifications concerning medications; and child's refusal of any drug; and
 - (g) Follow-up for child requests for changes or clarifications concerning medications with an appointment or consultation with a licensed medical provider.
- (2) Medication disposal:
- (a) Return prescription medications to the licenser or person legally authorized to remove the child from foster care; and
 - (b) Return discontinued prescription medications to a pharmacy or the licenser for disposal, in accordance with 10A CAR 70G .0510(c).
- (3) Medication storage:
- (a) Store prescription and over-the-counter medications in a locked cabinet in a clean, well-lighted, well-ventilated room other than bathrooms, kitchen, or utility room between 59° F (15° C) and 86° F (30° C);
 - (b) Store medications in a refrigerator, if required, between 36° F (2° C) and 46° F (8° C). If the refrigerator is used for food items, medications shall be kept in a separate, locked compartment or container within the refrigerator; and
 - (c) Store prescription medications separately for each child.
- (4) Psychotropic medication review:
- (a) Arrange for any child receiving psychotropic medications to have his/her drug regimen reviewed by the child's licensed medical provider at least every six months;
 - (b) Report the findings of the drug regimen review to the licenser; and
 - (c) Document the drug review in the MAR along with any prescribed changes.
- (5) Medication errors:
- (a) Report drug administration errors or adverse drug reactions to a licensed medical provider or pharmacist; and
 - (b) Document the drug administered and the drug reaction in the MAR.

10A CAR 70E .1103 - PHYSICAL RESTRAINTS

- (a) Foster parents who utilize physical restraint holds shall not engage in discipline or behavior management that includes:
 - (1) Protective or mechanical restraints;
 - (2) Drug used as a restraint, except as outlined in Paragraph (b) of this Rule;

- (3) Seclusion of a child in a locked room; or
 - (4) Physical restraint holds except for a child who is at imminent risk of harm to himself/herself or others until the child is calm.
- (b) Foster parents shall not administer drugs to a foster child for the purpose of punishment, foster parent convenience, substitution for adequate supervision or for the purpose of restraining the child. A drug used as a restraint means a medication used only to control behavior or to restrict a child's freedom of movement, and is not a standard to treat a psychiatric condition.
- (c) Before a foster parent shall administer physical restraint holds, each foster parent shall complete training that includes at least 16 hours of initial training in behavior management, including techniques for de-escalating problem behavior, the appropriate use of physical restraint holds, monitoring of vital indicators, and debriefing children and foster parents involved in physical restraint holds. Foster parents authorized to use physical restraint holds shall annually complete at least eight hours of behavior management training including techniques for de-escalating problem behavior. This training shall count toward the training requirements as set forth in 10A CAR 70E .1117(6). Only foster parents trained in the use of physical restraint holds shall administer physical restraint holds.
- (d) Foster parents shall be trained by instructors who have met the following qualifications and training requirements:
- (1) Instructors shall demonstrate competence by scoring 100 percent on testing in a training program aimed at preventing, reducing, and eliminating the need for restrictive interventions;
 - (2) Instructors shall demonstrate competence by scoring 100 percent on testing in a training program teaching the use of physical restraint;
 - (3) Instructors shall demonstrate competence by scoring a passing grade on testing in an instructor training program as determined by the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse;
 - (4) The instructors' training shall be competency-based, and shall include measurable learning objectives, measurable testing (written and by observation of behavior) on those objectives, and measurable methods to determine passing or failing the course;
 - (5) The content of the instructor training shall be approved by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, and shall include presentation of understanding the adult learner, methods of teaching content of the course, evaluation of trainee performance and documentation procedures;
 - (6) Instructors shall be retrained at least annually and demonstrate competence in the use of physical restraint to the North Carolina Interventions (NCI) Quality Assurance Committee;
 - (7) Instructors shall be trained in CPR;
 - (8) Instructors shall have coached experience in teaching the use of restrictive interventions at least two times with a positive review by the coach, and trainers shall teach a program on the use of physical restraints at least once annually; and
 - (9) Instructors shall complete a refresher instructor training at least every two years.
- (e) In administering physical restraints, the following shall apply:
- (1) Foster parents shall use only those physical restraint holds approved by the North Carolina Interventions (NCI) Quality Assurance Committee. Approved physical restraint holds can be found at the following web site: <http://www.dhhs.state.nc.us/mhddsas/training/rscurricula/agencylist10-18-06web.pdf> (Reviewed Restrictive and Physical Interventions Curricula by Name) which are hereby incorporated by reference including subsequent amendments and editions;
 - (2) Before employing a physical restraint hold, the foster parent shall take into consideration the child's medical condition and any medications the child may be taking;

- (3) No child shall be restrained utilizing a protective or mechanical device;
- (4) No child or group of children shall be allowed to participate in the physical restraint of another child;
- (5) Physical restraint holds shall:
 - (A) Not be used for purposes of discipline or convenience;
 - (B) Be used only when there is imminent risk of harm to the child or others and less restrictive approaches have failed;
 - (C) Be administered in the least restrictive manner possible to protect the child or others from imminent risk of harm; and
 - (D) End when the child becomes calm.
- (6) The foster parent shall:
 - (A) Ensure that any physical restraint hold utilized on a child is administered by a trained foster parent with a second trained foster parent or with a second trained adult in attendance. Concurrent with the administration of a physical restraint hold and for a minimum of 15 minutes subsequent to the termination of the hold, a foster parent shall monitor the child's breathing, ascertain the child is verbally responsive and motorically in control, and ensure the child remains conscious without any complaints of pain. The licensor may seek a waiver from the licensing authority for a foster parent to administer a physical restraint hold without a second trained adult in attendance, and completion of the waiver request form. The licensing authority shall grant the waiver if it receives written approval from the child's parent, guardian, or custodian that the administering of a physical restraint hold without a second trained person present is acceptable, written approval from the licensor that the foster parent is authorized to administer a physical restraint hold without a second trained person present, and documentation that there is approval by the child and family team and documented in the person-centered plan or out-of-home family services agreement that it is acceptable for the foster parent to administer a physical restraint hold without a second trained person present;
 - (B) Immediately terminate the physical restraint hold or adjust the position to ensure that the child's breathing and motor control are not restricted, if at any time during the administration of a physical restraint hold the child complains of being unable to breathe or loses motor control;
 - (C) Immediately seek medical attention for the child, if at any time the child appears to be in distress; and
 - (D) Conduct an interview with the foster child about the incident following the use of a physical restraint hold.
- (7) The licensor shall interview the foster parent administering the physical restraint hold about the incident following the use of a physical restraint hold.
- (8) The licensor shall document each incident of a child being subjected to a physical restraint hold on an incident report provided by the licensing authority. The incident report shall include:
 - (A) The child's name, age, height, and weight;
 - (B) The type of hold utilized;
 - (C) The duration of the hold;
 - (D) The trained foster parent administering the hold;
 - (E) The trained foster parent or trained adult witnessing the hold;
 - (F) The less restrictive alternatives that were attempted prior to utilizing physical restraint;

- (G) The child's behavior that necessitated the use of physical restraint; and
 - (H) Whether the child's condition necessitated medical attention.
- (f) Foster parents shall annually receive written approval from the licensor or licensing authority before administering physical restraint holds. The foster parent shall retain a copy of the written approval and a copy shall be placed in the foster home record.

10A CAR 70E .1104 - CRITERIA FOR THE FAMILY

- (a) Foster parents shall be persons whose behaviors, circumstances, and health are conducive to the safety and well-being of children. Foster parents shall be selected on the basis of demonstrating strengths in the skill areas of Subparagraphs (1) through (12) of this Paragraph which permit them to undertake and perform the responsibilities of meeting the needs of children, in providing continuity of care, and in working with the licensor. Foster parents shall demonstrate skills in:
- (1) Assessing individual and family strengths and needs and building on strengths and meeting needs;
 - (2) Using and developing effective communication;
 - (3) Identifying the strengths and needs of children placed in the home;
 - (4) Building on children's strengths and meeting the needs of children placed in the home;
 - (5) Developing partnerships with children placed in the home, parents or the guardians of the children placed in the home, the licensor, Family Safety and the community to develop and carry out plans for permanency;
 - (6) Helping children placed in the home develop skills to manage loss and skills to form attachments;
 - (7) Helping children placed in the home manage their behaviors;
 - (8) Helping children placed in the home maintain and develop relationships that will keep them connected to their pasts;
 - (9) Helping children placed in the home build on positive self-concept and positive family, cultural, and racial identity;
 - (10) Providing a safe and healthy environment for children placed in the home which keeps them free from harm;
 - (11) Assessing the ways in which providing family foster care or therapeutic foster care affects the family; and
 - (12) Making an informed decision regarding providing family foster care or therapeutic foster care.
 - (13) Willingness for preparation and training as foster parents, including but not limited to training involving being adequately prepared with the appropriate knowledge and skills to provide for the needs of the child and applying the reasonable and prudent parenting standard.
- (b) Age. A license may only be issued to persons 21 years of age and older.
- (c) Health. The foster family shall be in good physical and mental health as evidenced by:
- (1) A medical examination completed by a licensed medical provider on each member of the foster home within the last six months prior to the initial licensing application date, and biennially thereafter;
 - (2) Documentation that each adult member of the household has had a TB skin test or chest x-ray prior to initial licensure unless contraindicated by a licensed medical provider. The foster parents' children are required to be tested only if one or more of the parent's tests positive for TB;

- (3) A medical history form completed on each member of the household at the time of the initial licensing application and on any person who subsequently becomes a member of the household;
 - (4) No indication of alcohol abuse, drug abuse, or illegal drug use by a member of the foster family;
 - (5) No indication that a member of the foster family is a perpetrator of domestic violence;
 - (6) No indication that a member of the foster family has abused, neglected, or exploited a disabled adult;
 - (7) No indication that a member of the foster family has been placed on any sex offender and/or central registry;
 - (8) No indication that a member of the foster family has been placed on the health care personnel registry pursuant to N.C.G.S. 131E-256; and
 - (9) No indication that a member of the foster family has been found to have abused or neglected a child or has been a respondent in a child court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child.
- (d) Education. Foster parent applicants shall have graduated from high school or received a GED (graduate equivalency diploma) or shall have an ability to read and write as evidenced by their ability to administer medications as prescribed by a licensed medical provider, maintain medication administration logs and maintain progress notes.
- (e) Required applicants. Foster parent applicants who are married are presumed to be co-parents in the same household and both shall complete all licensing requirements. Adults 21 years of age or older, living in currently licensed or newly licensed foster homes who have responsibility for the care, supervision, or discipline of the foster child shall complete all licensing requirements. The licenser shall assess each adult's responsibility for the care, supervision, or discipline of the foster child.
- (f) Foster care applicants seeking a Kinship Caregiver Foster License must either be actively serving as placement or seeking to serve as placement for relative children which are in Family Safety Custody, or which the Family Safety Program deem to be at imminent risk of removal.

10A CAR 70E .1105 - CONFLICT OF INTEREST

- (a) In situations where the department licenses the foster home of members of its advisory board, governance structure, Tribal council, and social services committee the following protocol will be followed:
- (1) The foster parent(s) referenced in paragraph (a) will sign an agreement stating that they will not use their position to gain information about the child nor will they use their position to influence decisions on the future of the child.
 - (2) PHHS will create a "firewall" between a foster parent referenced in paragraph (a) and the agency. Such foster parent will not be allowed to attend meetings where the child's case is discussed unless the meeting requires the attendance of the foster parent. Such foster parent will not be allowed to access any information relating to the child's case, in electronic or paper format, unless authorized by the department.
 - (A) Such foster parent shall not be allowed access to any information relating to the child's birth parents, unless authorized by the department.
 - (3) PHHS will identify a social worker, supervisor or manager who can work with the foster parent without conflict. PHHS will consider the relationship, including familial and personal, the assigned worker has with the foster parent.

- (4) If PHHS determines the foster home cannot be supervised properly then a recommendation will be made to transfer the foster home to another agency, department or jurisdiction, in keeping with the best interests of the child.
- (b) In situations where the department licenses the foster homes of agency employees and/or relatives of agency employees the following protocol will be followed:
 - (1) The employee(s) in question will meet with their supervisor to discuss the potential conflicts of interest that may arise.
 - (2) The employee(s) will sign an agreement stating that they understand their position in the agency cannot be used to obtain information about the child's case or gain services.
 - (3) The employee(s) will be restricted from accessing any information, electronic or paper format, in relation to the child's case.
 - (4) The situation will be reviewed by the directors, managers, and/or supervisors. If it is found that the foster home cannot be supervised correctly then a recommendation will be made to move the foster home to another agency, department or jurisdiction, in keeping with the best interests of the child.

10A CAR 70E .1107 - RELATIONSHIP TO LICENSER

- (a) Foster parents shall agree to work with the licenser in the following ways:
 - (1) Work with the child and the child's parent(s) or guardian(s) in the placement process, reunification process, adoption process, or any change of placement process;
 - (2) Consult with social workers, mental health personnel, licensed medical providers, and other persons authorized by the child's parent(s), guardian(s) or custodian who are involved with the child;
 - (3) Maintain confidentiality regarding children and their parent(s) or guardian(s);
 - (4) Keep records regarding the child's illnesses, behaviors, social needs, educational needs, and family visits and contacts; and
 - (5) Report to the licenser any changes as required by 10A CAR 70E .0902.
- (b) In addition to Subparagraphs (a)(1) through (5) of this Rule, foster parents who provide therapeutic foster care services shall be trained as set out in 10A CAR 70E .1117.

10A CAR 70E .1108 - FIRE AND BUILDING SAFETY

- (a) Each foster home shall be in compliance with all applicable portions of Chapter 143 of the Cherokee Code in effect at the time the foster home was constructed or last renovated. This portion of the code may be accessed at:
https://www.municode.com/library/nc/cherokee_indians_eastern_band/codes/code_of_ordinances?nodeId=PTIICOOR_CH143BUCOFLCO
- (b) All homes shall be protected from all fire hazards including the following:
 - (1) All hallways, doorways, entrances, ramps, steps, and corridors shall be kept clear and unobstructed at all times;
 - (2) An evacuation plan shall be developed, and all persons in the home shall be knowledgeable of the plan;
 - (3) A mounted "ABC" fire extinguisher with a rating not less than 1-A shall be installed and readily available in the residence;
 - (4) Homes built prior to July 1975 shall have a battery or electric smoke alarm installed outside every sleeping area. Homes built between July 1975 and June 30, 1999, shall have electric smoke alarms placed outside sleeping areas as required by the NC Residential Code in effect

at construction time. Homes built after June 30, 1999 shall have smoke alarms in every sleeping room, outside bedrooms and other areas, interconnected as required in the NC Residential Code;

- (5) A carbon monoxide (CO) detector shall be installed in homes that use fuel oil products, coal, wood or gas to heat, cool, cook, operate a hot water heater or gas logs;
 - (6) All homes shall have telephone service;
 - (7) No egress door shall have a double keyed dead bolt; and
 - (8) Extension cords shall not be used as a substitute for permanent wiring. Extension cords shall be used only for portable appliances and shall be listed by Underwriters Laboratory (UL).
- (c) Before a home is licensed, it shall be inspected and receive a passing rating on the fire and building safety inspection report completed by the local fire inspector. Before a home is relicensed, it shall have a current fire and building safety inspection report with a passing rating completed by the local fire inspector.

10A CAR 70E .1109 - HEALTH REGULATIONS

The licenser shall have a discussion regarding water quality and sanitation with the applicants. The licenser shall document the date the discussion was held and include a statement that the family is not aware of any health hazards caused by the family's water and sanitation facilities. The licenser shall ask the family about water testing that has been done and any immediate or past problems concerning water quality and sanitation. As part of the on-site visit, the licenser shall observe that the home has running water. As part of the on-site visit, the licenser shall observe that the home has a sanitary toilet and bathing facility. Licensure of a foster home shall not be recommended if the licenser has any reason to believe the water supply is not safe or the toilet and bathing facilities are not sanitary.

10A CAR 70E .1110 - ENVIRONMENTAL REGULATIONS

- (a) The home and yard shall be maintained and repaired so that they are not hazardous to the children in care.
- (b) The house shall be kept free of uncontrolled rodents and insects.
- (c) Windows and doors used for ventilation shall be screened.
- (d) The kitchen shall be equipped with an operable stove and refrigerator, running water and eating, cooking, and drinking utensils to accommodate the household members. The eating, cooking, and drinking utensils shall be cleaned and stored after each use.
- (e) Household equipment and furniture shall be in good repair.
- (f) Flammable and poisonous substances, medications, and cleaning materials shall be stored out of the reach of children placed for foster care.
- (g) Explosive materials, ammunition, and firearms shall each be stored separately, in locked places.
- (h) Documentation that household pets have been vaccinated for rabies shall be maintained by the foster parents.
- (i) Each home shall have heating, air-cooling, or ventilating capability to maintain a range between 65° F (18.3° C) and 85° F (29.4° C).
- (j) Rooms including toilets, baths, and kitchens without operable windows, shall have mechanical ventilation to the outside.

10A CAR 70E .1111 - ROOM ARRANGEMENTS

- (a) Each home shall have a family room to meet the needs of the family including children placed for foster care.

- (b) The kitchen shall be large enough for preparation of food and cleaning of dishes. Each home shall have a dining area to meet the needs of the family including children placed for foster care.
- (c) The home shall have bedroom(s) or sleeping areas that are safe, comfortable, and provide privacy for the child(ren).
- (d) Children shall not be permitted to sleep in an unfinished basement or in an unfinished attic.
- (e) Each child shall have his/her own bed. Each bed shall be provided with a supported mattress, two sheets, blanket, bedspread, and be of size to accommodate the child. No day bed, convertible sofa, or other bedding of a temporary nature shall be used for the exclusive sleeping area of the child except for temporary care for up to two weeks. The sleeping room shall not be shared by children of the opposite sex except by children age five and under. The sleeping arrangements shall provide space within the bedroom for the bed and the child's personal possessions. When children share a bedroom, unless otherwise authorized by the department, a child under six shall not share a room with a child over 12, except when siblings are placed together. No more than four children shall share a room.
- (f) Separate and accessible drawer space and closet space for personal belongings and clothing shall be available for each child.
- (g) The home shall have indoor, operable sanitary toilet, hand-washing, and bathing facilities. Homes shall be designed in a manner that will provide children privacy while bathing, dressing, and using toilet facilities.

10A CAR 70E .1112 - EXTERIOR SETTING AND SAFETY

The exterior spaces around the foster home, including any yard spaces shall be clear of any dangerous objects or hazardous items including access to water, such as swimming pools, beaches, rivers, lakes, or streams. Access to such hazards shall be avoided by either a fence at least 48 inches high with a locked gate around the hazard, or by a fence at least 48 inches high with a locked gate around the yard and exterior space of the home while still providing play space for children. Access to water in above ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to the children. The licenser shall observe and document that the foster parents have taken measures to protect foster children from having unsupervised access to swimming pools, beaches, rivers, lakes, streams, other water sources, or other hazards.

10A CAR 70E .1113 - LICENSING COMPLIANCE VISITS

Licensing social workers of EBCI PHHS shall visit with the foster family on at least a bi-monthly (every two months) basis for the specific purpose of assessing licensing requirements. Three of the bi-monthly visits each year shall take place in the foster home. The licensing social worker may require the remaining visits to occur at a location of the licensing social worker's preference.

10A CAR 70E .1114 - CRIMINAL HISTORIES

- (a) An applicant shall not be licensed if the applicant, or any member of the applicant's household 18 years of age or older, refuses to consent to a criminal history check required by 10A CAR 70A Section .0300.
- (b) An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household has been convicted of a felony involving:
 - (1) Child maltreatment;
 - (2) Spouse abuse;
 - (3) A crime against a child or children (including child pornography); or
 - (4) A crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery.

- (c) An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household or any person the applicant allows to have regular access to the home (i.e. a key to the home, eats meals at the home) has within the last five years been convicted of a felony involving:
 - (1) Physical assault;
 - (2) Battery; or
 - (3) A drug-related offense.
- (d) An applicant or any members of the applicant's household with criminal convictions except those specified in Paragraph (b) of this Rule may be considered for licensure based on the following factors:
 - (1) Nature of the crime;
 - (2) Length of time since the conviction;
 - (3) Circumstances surrounding the commission of the offense or offenses;
 - (4) Number and type of prior offenses;
 - (5) Evidence of rehabilitation;
 - (6) Age of the individual at the time of the commission of the offense or offenses; and
 - (7) Letter of support for licensure from the executive director of the agency.

10A CAR 70E .1115 - RESPONSIBLE INDIVIDUALS LIST

- (a) An applicant is not eligible for licensure if the applicant has within the last five years been substantiated for abuse or serious neglect and is placed on a Responsible Individuals List.
- (b) After five years, an applicant who is on the Responsible Individuals List may be considered for licensure based on the following factors:
 - (1) Nature of the substantiation;
 - (2) Length of time since the substantiation;
 - (3) Circumstances surrounding the substantiation;
 - (4) Evidence of rehabilitation;
 - (5) History of convictions and violations; and
 - (6) Letter of support for licensure from the executive director of the agency.
- (c) The licenser shall provide documentation to the licensing authority of the results of child abuse and neglect central registry. Checks of states where the applicant has resided the past five years.

10A CAR 70E .1116 - CRIMINAL HISTORY CHECKS

- (a) The licenser shall complete the following activities at initial licensure for new foster parent applicants and any member of the prospective foster parents' household 18 years of age or older:
 - (1) Provide notice of background checks to be performed in application documentation;
 - (2) Obtain a signed consent/authorization form for a criminal history check and submit the signed consent/authorization form to the licenser;
 - (3) Obtain two sets of fingerprints on SBI identification cards and forward both sets of fingerprints to the licenser; and
 - (4) Conduct a local criminal history check and submit the results of the criminal history checks to the licensing authority.

- (b) The licenser shall conduct a local criminal history check and submit the results of the criminal history checks to the licensing authority at relicensure for foster parents and any member of the prospective foster parents' household 18 years of age or older.
- (c) Nothing in this Subsection is intended to conflict with the background check provisions of 10A CAR 70A Section .0300.

10A CAR 70E .1117 - TRAINING REQUIREMENTS

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

- (1) Prior to licensure or within six months from the date a provisional license is issued, each applicant shall successfully complete 30 hours of preservice training. Preservice training shall include the following components:
 - (a) General orientation to foster care and adoption process;
 - (b) Communication skills;
 - (c) Understanding the dynamics of foster care and adoption process;
 - (d) Separation and loss;
 - (e) Attachment and trust;
 - (f) Child and adolescent development;
 - (g) Behavior management;
 - (h) Working with birth families and maintaining connections;
 - (i) Lifebook preparation;
 - (j) Planned moves and the impact of disruptions;
 - (k) The impact of placement on foster and adoptive families;
 - (l) Teamwork to achieve permanence;
 - (m) Cultural sensitivity;
 - (n) Confidentiality;
 - (o) Health and safety;
 - (p) Reasonable and prudent parenting.

(2) Prior to licensure as a Kinship Caregiver Foster Home, each applicant for this full but specialized license shall successfully complete 12 hours of specialized preservice training. Preservice training shall include the following components:

(a) General orientation to foster care and adoption process

(b) Understanding trauma and felt safety

(c) Behavioral management

(d) Parenting skills development

(e) Evaluating and addressing emotional needs

(f) Any other topics deemed relevant to providing exceptional care for particular needs of relative children

- (23) Prior to licensure or within six months from the date a provisional license is issued, therapeutic foster parent applicants shall receive at least ten additional hours of preservice training in behavioral mental health treatment services including the following:
- (a) Role of the therapeutic foster parent;
 - (b) Safety planning; and
 - (c) Managing behaviors.
- (34) During the initial two years of licensure, each therapeutic foster parent shall receive additional training in the following areas:
- (a) Development of the person-centered plan;
 - (b) Dynamics of emotionally disturbed and substance abusing youth and families;
 - (c) Symptoms of substance abuse;
 - (d) Needs of emotionally disturbed and substance abusing youth and families; and
 - (e) Crisis intervention.
- (45) Training in first-aid, cardiopulmonary resuscitation (CPR) and universal precautions such as those provided by the American Red Cross, the American Heart Association, or equivalent organizations shall be provided to foster parents before a foster child is placed with the foster family. Training in CPR shall be appropriate for the ages of children in care. First-aid, CPR, and universal precautions training shall be updated as required by the American Red Cross, the American Heart Association, or equivalent organizations. The licenser shall ensure that family foster parents and therapeutic foster parents are trained in medication administration before a child is placed with the foster family.
- (56) Child-specific training shall be provided to the foster parents as required in the out-of-home family services agreement or person-centered plan as a condition of the child being placed in the foster home. When the child or adolescent requires treatment for abuse - reactive, sexually reactive and sexual offender behaviors, specific treatment shall be identified in his/her person-centered plan. Training of therapeutic foster parents is required in all aspects of reactive and offender specific sexual treatment and shall be made available by a provider who meets the requirements specified for a qualified professional. When the child or adolescent requires treatment for substance abuse, specific treatment shall be identified in his/her person-centered plan. Training and supervision of therapeutic foster parents are required in all aspects of substance abuse and shall be made available by a provider who meets the requirements specified for a qualified substance abuse prevention professional. This training shall count towards the training requirements of Item (6) of this Rule.
- (a) Reasonable and prudent parent training is required and may be continued as necessary after placement of the child and the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.
 - (i) "Age or developmentally-appropriate" means:

- (A) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
- (B) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

~~(67)~~ Prior to licensure renewal, each foster parent shall successfully complete at least twenty hours of in-service training. [An exception shall be made for Kinship Caregiver Foster Homes, which shall be required to obtain ten hours of in-service training for licensure renewal.](#)

This training may be child-specific or may concern issues relevant to the general population of children in foster care. In order to meet this requirement:

- (a) Each licenser shall provide, or cause to be provided, at least ten hours of in-service training for foster parents annually;
 - (b) The training shall include subjects that would enhance the skills of foster parents and promote stability for children;
 - (c) A foster parent may complete training provided by a community college, a licenser, or other departments of state or county governments; and, upon approval by the licenser, such training shall count towards meeting the requirements specified in this Item; and
 - (d) Each licenser shall document in the foster parent record the type of activity the foster parent has completed pursuant to this Item.
- ~~(78)~~ A foster family caring for a child with HIV (human immunodeficiency virus) or AIDS (acquired immunodeficiency syndrome) shall complete six hours of training on issues relevant to HIV or AIDS annually. This training may count towards the training requirements Item (6) of this Rule.
- ~~(89)~~ Training requirements for physical restraint holds pursuant to 10A CAR 70E .1103.