

CHANGE NOTICE: 03-2013

March 4, 2013

III. SECTION .0700 | LICENSING REGULATIONS AND PROCEDURES

A. [10A NCAC 70E .0701](#) LICENSING AUTHORITY FUNCTION

The subsections of this rule read:

(a) The supervising agency shall submit the licensing application for family 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 supervising agency 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.

The supervising agency's licensing social worker submits the licensing application to the Licensing Authority. This "licensing application" is a required state form Foster Home Licensing Application ([DSS-5016](#)). The licensing social worker gathers all pertinent documents and submits them all at once. Upon receipt, the Licensing Authority staff reviews all licensure requests to ensure they contain all required forms and documents. Each form and document is reviewed to make sure all sections of the forms have been completed and required signatures have been obtained. If the application packet is incomplete, the Licensing Authority may follow-up with the supervising agency with an e-mail or phone call, or it may return the application unprocessed. Once the application is declared complete, the review and approval process begins. This review and approval process may take 30 to 50 working days. Submitting complete, thorough, and easy-to-read applications expedites the licensing approval process. The beginning date of the license is the date the application is declared correct and complete.

Once an application has been approved, the Licensing Authority authorizes a license to be issued to the foster family. Two copies of the license are mailed to the supervising agency. The supervising agency retains one copy and provides the other to the foster family. The license states when the license begins, when it ends, and for what type and how many children the home may provide care.

B. [10A NCAC 70E .0702](#) RESPONSIBILITY

This rule reads:

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

The Licensing Authority must rely on the professional skills of the supervising agency staff as it reviews thousands of documents each year. The Licensing Authority also relies on each local licensing social worker to paint a picture of the foster family. The mutual home assessment and the social history are an opportunity to show the Licensing Authority the strengths and needs of the family by using descriptive rather than evaluative language. If the family has strong values, describe the values and the behaviors to reveal those values in action. If the home's backyard is child-friendly, describe the grassed areas with shade trees. Give the details of the swing set and the sand box. If the family has a pet, describe the pet. Describe how the pet responds to you as a stranger. The written application and accompanying documents are the only means for the Licensing Authority to know your families.

C. [10A NCAC 70E .0703](#) NEW LICENSES

The subsections of this rule read:

(a) The supervising agency shall submit all licensing materials to the licensing authority dated within 180 days prior to submitting an application for a new license. The supervising agency shall submit medical examinations of the members of the foster home to the licensing authority dated within 12 months prior to submitting an application for a new license.

The complete new licensure packet contains the following:

- Cover letter listing the contact information for the supervising agency licensing social worker
- Foster Care Facility Action Request ([DSS-5015](#))
- Foster Home License Application ([DSS-5016](#))
- Foster Home Fire Inspection Report ([DSS-1515](#))
- Foster Home Environmental Conditions Report ([DSS-5150](#))
- Medical History Form ([DSS-5017](#))
- Medical Evaluation (with completed TB test results included) ([DSS-5156](#))
- Responsible Individual List (RIL) Information Request ([DSS-5268](#))
- Results of the Responsible Individuals List (RIL) for each applicant and household members age 18 and older
- Child abuse/neglect clearance letter(s) for each applicant and any adult household members who have resided in a state(s) other than North Carolina for the past five years

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- Fingerprint clearance letters for each applicant and household members age 18 and older
- Letter of support from supervising agency director or designee if any applicant or adult household members age 18 and older have criminal convictions (if applicable)
- Letter of support from supervising agency director or designee if any applicant or adult household members 18 years of age and **older** have child protective services history as a perpetrator (if applicable)
- Copy of in-home day care license if applicant(s) operate an in-home day care
- Foster Home Request for Waiver (if applicable) ([DSS-5199](#))

A detailed description of each of these forms can be found in the Guide to Completing Foster Home Licensing Forms.

To be official, all information and required signatures must be current. For the DSS-5015, DSS-5016, DSS-1515, DSS-5150, DSS-5017, and DSS-5268 the information and signatures must be dated within 180 days of receipt of the packet by the Licensing Authority. The Medical Evaluation (DSS-5156), signed by a licensed medical provider, must be dated within 12 months of the receipt of the Medial Evaluation by the Licensing Authority. This includes the TB testing information listed on the form.

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

Submit all documents and material for a new license application at one time. The packet should contain all documents in one envelope with a cover letter on top. Do not staple the individual forms and documents. Arrange the documents in this order:

- cover letter;
- DSS-5015;
- DSS-5016;
- DSS-1515;
- DSS-5150;
- DSS-5017;
- DSS-5156;

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- TB Test Results;
- DSS-5268;
- child abuse/neglect clearance letter(s) if applicant(s) or any adult household member have resided in a state(s) other than North Carolina for the past five years;
- fingerprint clearance letters for each applicant and household members age 18 and older;
- letter of support from supervising agency director or designee if any applicant or adult household members have a criminal conviction;
- letter of support from supervising agency director if any applicant(s) or adult household members have a child protective service history as a perpetrator;
- copy of in-home day care license if applicants operate an in-home day care;
- and DSS-5199, if applicable.

The cover letter should include the name, phone numbers, e-mail addresses, and other contact information for the agency foster home licensing social worker. Include other contact persons as appropriate. Many supervising agencies assign one person to be a liaison between the agency and the Licensing Authority; that person oversees the licensing process and serves as agency contact when the Licensing Authority has questions.

(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.

The license is effective the date the Licensing Authority determines that the application packet is complete and correct. The license is issued for 24 months beginning with the date the application packet is complete and correct. For example, an application packet is received on February 1, 2011 and there are errors and missing documents in the packet that are corrected on March 1, 2011. The foster home is licensed from March 1, 2011 to March 1, 2013.

Some agencies anticipate that their licensure packet will be approved upon initial submission to the Licensing Authority and place children with families pending licensure. This practice is prohibited and illegal and is grounds for the Licensing Authority to revoke or suspend the license of a child-placing agency. The only exception to placing a child in an unlicensed home is court ordered approval of a specific home for a specific child. Payment for the provision of foster care services can only be made to licensed foster homes.

Supervising agencies are required to keep the following licensing forms in the individual file of the foster home at the agency:

- Agency/Foster Parent Agreement
- Discipline Agreement
- Notice Foster Home Mandatory Criminal History Check ([DSS-5280](#))
- Local Court Record Check
- Health Care Personnel Registry Check
- NC Department of Corrections (Public Safety) Check
- Sex Offender and Public Protection Registry Check
- Reference Letters
- Copy of entire licensing packet

D. [10A NCAC 70E .0704](#) RELICENSURE AND RENEWAL

There are 9 subsections to this rule and they read:

(a) Materials for renewing a license are due to the licensing authority prior to the date the license expires.

(b) All relicensing materials shall be completed and dated within 180 days prior to the date the supervising agency submits materials for licensure to the licensing authority. Medical examinations of the members of the foster home shall be completed and dated within 12 months prior to submitting materials for relicensure.

(c) All relicensing materials shall be submitted at one time to the licensing authority. Incomplete relicensure applications shall be returned to the supervising agency.

(d) If materials are submitted after the foster home license expires, a license, if approved, shall be issued effective the date the licensing materials are received by the licensing authority.

(e) When a foster home license is terminated for failure to submit relicensure materials, the licensing authority shall relicense the home if the relicensure materials are submitted to the licensing authority within one year of the date the license was terminated and all requirements are met. After one year, the supervising agency shall submit a new licensure application to the licensing authority.

(f) When a foster home license has been terminated in good standing and the foster family wishes to be licensed again, the licensing authority shall renew the license if there are no changes or the changes meet the requirements of the Rules of this Section. The period of time for this renewed license is from the date the request is received by the licensing authority to the end date of the license period in effect when the license was terminated.

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

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

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

1. License Renewal

In order to continue providing foster care services, the foster home must be relicensed. To accomplish this, the supervising agency submits a relicensure packet to the Licensing Authority. All required materials for relicensure must be submitted at one time. To prevent a lapse in licensure, the Licensing Authority must review and accept the relicensure packet before the current license expires. When the Licensing Authority approves the application, the home is relicensed beginning with the last day on the current license or the date the relicensure packet was accepted, which ever is later.

- **The 180-Day Rule.**
All relicensing materials must be dated within 180 days of receipt of the relicensing packet by the Licensing Authority. There is only one exception to the 180-day rule. Medical Evaluations ([DSS-5156](#)) must be dated within 12 months of receipt of the relicensing packet by the Licensing Authority.
- **Timeframe.**
Given the 24-month licensure period, the Licensing Authority is not able to be flexible about receiving relicensure materials. The relicensure packet is due prior to the date the license expires. Relicensure packets should be sent to the Licensing Authority at least 60 days before the license expires. Incomplete and incorrect relicensure packets may jeopardize the original licensing dates. If a relicense is due October 1, 2010 and a correct and complete relicensure packet is received any time before October 1, 2010 then

the relicense period is October 1, 2010 through October 1, 2012. If a relicense is due October 1, 2010 and the Licensing Authority receives a correct and complete relicensing packet on October 3, 2010, the new relicensing period is October 3, 2010 through October 3, 2012. If a relicense is due October 1, 2010 and the packet is incorrect and incomplete, the relicense date is the date the packet is finally correct. If an agency takes until October 15, 2010 to correct the relicense packet then the new relicensing period is October 15, 2010 through October 15, 2012.

2. Requirements

- **In-Service Training:**
To be relicensed, foster parents must complete at least 20 hours of in-service training. If this has not been done within the first 18 months of the licensure period, training becomes a high priority. It is the supervising agency's responsibility to provide foster parents with a list of resources to meet this training requirement. Once foster parents have met the relicensure training requirement this must be documented on the Foster Home Relicense Application ([DSS-5157](#)) and on the Foster Care Facility Licensing Action Request Form ([DSS-5015](#)).
- **Medical History:**
All members of a foster family must complete the Medical History Form ([DSS-5017](#)) except for foster children. Changes in a family member's physical and/or mental health may alter their stamina and/or ability to provide care for some children; therefore, must be discussed with the family by the licensing social worker as these changes could have a negative or positive impact on the family. The DSS-5017 is the foster family's opportunity to report any such changes and to explain any item or comment on the [DSS-5156](#). It should be consistent with the DSS-5156.
- **Physical Examination:**
All members of a foster family must have a physical examination to be relicensed. Most families have medical insurance that provides for an annual physical for each person. Careful scheduling is needed to use this annual physical for relicensing, as many families are very busy. Many licensing social workers start reminding their foster families about this requirement six or seven months before the due date. At this annual physical, the Medical Evaluation (DSS-5156) must be completed. This form must be completed on all members of the foster home, except foster children. TB status does not have to be updated for relicensure.
- **The Foster Home Fire Inspection Report ([DSS-1515](#))**
This must be updated prior to relicensure and requires the local fire inspector reinspecting the foster home; an adult must be at home for the inspector to inspect the home. Often the licensing social worker helps the family get ready for this inspection by going through the house to make sure all requirements are met.

- The Foster Home Environmental Conditions Report ([DSS-5150](#))
This is also required for relicensure. This requires the licensing social worker to inspect the home and make sure all requirements are met. With careful planning, this visit may coincide with the fire safety inspection.

NOTE: It is important to review the DSS-5017, DSS-5156, DSS-1515 and DSS-5150 to make sure all areas are addressed, explained, signed and dated. A mistake or omission by the fire inspector, medical provider or foster parent, or others could cause a delay in processing the DSS-5157. This may mean the foster home is un-licensed until all current and correct information is received by the Licensing Authority.

- Criminal Records Check
The supervising agency must update all criminal records checks except fingerprints as part of relicensure. This means checking and recording the status on the following lists:
 - Local Courts Records Check
 - NC Department of Corrections (Public Safety) Offender Information
 - Sex Offender and Public Registry
 - NC Health Care Personnel Registry
- Summary of Experiences
In addition, at relicensure the licensing social worker must provide a written summary of the foster parent's experience during the last two years. This summary should include examples of how the foster parents used the twelve parenting skills.
- Agency/Foster Parents' Agreement ([DSS-1796](#)) and the Discipline Agreement.
At relicensure the family and the agency must also renew the Agency/Foster Parents' Agreement (DSS-1796) and the Discipline Agreement. These documents should be kept in the supervising agency files and are not sent to the Licensing Authority.

3. Relicensure Packet

Once these tasks are completed, the relicensure application packet is assembled and mailed to the Licensing Authority. The Relicensure Packet, at a minimum, consists of the following:

- Cover letter
- DSS-5015: Foster Care Facility License Action Request
- DSS-5157: Foster Home Relicense Application
- DSS-1515: Foster Home Fire Inspection Report
- DSS-5150: Foster Home Environmental Conditions Report
- DSS-5017: Medical History Form
- DSS-5156: Medical Evaluation (TB test results not needed)

4. Steps in the relicensure process:

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1. Send reminder notification to the family and documents that they will need to complete: Foster Home Fire Inspection Report (DSS-1515), Medical History Form (DSS-5017), and Medical Evaluation (DSS-5156). Also remind them about completing their training requirements.
2. Place reminder phone calls to family six months before the end of the license period to be sure they are meeting their training requirement and have made necessary fire inspection and medical appointments to complete forms.
3. Schedule visits with family.
4. Complete updated summary of mutual home assessment. This should include a brief summary of their two years of fostering, any changes in the household or sleeping arrangements, an update of family's strengths and needs and what is being done to meet their needs, a list of quarterly visits, and a recommendation for continued licensure.
5. Conduct new criminal background checks on all adults in the home.
6. Visit the family to complete and collect forms, verify that 20 hours of training have been completed, and share the updated summary. Verify that other required training, such as CPR and first aid, are current.
7. Verify that all required training for therapeutic status has been completed by the required training providers.
8. Ensure pets have current vaccinations (if applicable).
9. Mail necessary documents to the Licensing Authority.
10. Keep remaining documents on file in your agency (see list below).

5. Relicensure documents to be kept in the foster home file.

Most of the documents created during the relicensure process stay in your agency. Please remember that your agency is subject to monitoring and audits to ensure that your process and recordkeeping comply with North Carolina's licensing rules.

Relicensing documents that supervising agencies should maintain in the foster home file include:

- A copy of all items sent to the Licensing Authority
- Reminder letter to foster parents
- Agency/Foster Parents' Agreement (DSS-1796)
- Summary of the past two years of licensure
- Copy of all criminal record check results

- Discipline Agreement
- Log and evidence of all required training

NOTE: Illegal Placements - If there are children in a home but the Licensing Authority has not received the relicensing paperwork by the 24-month deadline, the license is terminated and the placement becomes illegal. When this happens, the custodians of the child become legally liable for the child's safety and well-being. Licensing social workers and their supervisors may also be held personally liable, which means that their personal assets (house, car, savings, etc.) could be at risk. Foster care payments to the agency are terminated. To avoid this liability, supervising agencies usually take one of the following actions:

- **Move the child to a licensed placement. Although this solution eliminates the legal vulnerability, it risks inflicting further trauma on a child, especially if the existing placement is stable and there is a bond between the child and his or her foster parents, or**
- **Ask a court to make this (currently) unlicensed placement the court-ordered placement for the child. Although this solution eliminates legal vulnerability, it also means that in most cases federal and state funds cannot be used to pay for the care of the child.**

All this underscores the importance of submitting relicensing materials in a timely fashion. When a foster home license is terminated for failure to submit relicensure materials, the home may be relicensed if the materials are submitted to the Licensing Authority within one year of the date the license was terminated. If approved, the new license will be issued effective the date the licensing materials are received by the Licensing Authority.

After one year, the foster family will have to submit a new licensure application to be considered for relicensure. Previously licensed foster parents who have not been licensed within the last 24 consecutive months must demonstrate to the supervising agency that they have continued mastery of the 12 skills. The supervising agency, in turn, must document this fact for the Licensing Authority. If the previously licensed foster parents cannot demonstrate mastery of all 12 skills, they must retake the 30 hours of pre-service training. Previously licensed therapeutic foster parents must also demonstrate continued mastery of the therapeutic skills or retake the 10-hour therapeutic pre-service training. The supervising agency must also provide documentation to the Licensing Authority that trainings for first aid, CPR, and universal precautions are updated.

E. [10A NCAC 70E .0705](#) CHANGE IN FACTUAL INFORMATION ON THE LICENSE

The 3 subsections of this rule read:

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(a) A license may be changed during the time it is in effect if the change is in compliance with licensing standards.

(b) The supervising agency 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. The foster home license shall be terminated and materials shall be submitted in accordance with [10A NCAC 70I](#) or [10A NCAC 70J](#) in order to be licensed as a residential child-care facility.

1. Licensure Changes

During the two-year licensing period, all families experience change. Some are so significant that supervising agencies must inform the Licensing Authority about them so that the license can be modified to reflect the change. Changes of this nature include:

- Removing a foster parent or family household member
- Adding a family household member
- Change in residence (i.e., the family moves)
- Change from family foster care to therapeutic foster care
- Change from therapeutic foster care to family foster care
- Change in age range and gender of children for placement
- Change in capacity

In the case of the above changes, as long as the change complies with minimum licensing standards, the license may be changed during the time it is in effect. One change that cannot be made under the same license is the move from a foster home license to a residential child-care facility license. To make this switch, the foster home license must be terminated and a new application made to become a licensed residential child-care facility.

2. Change Process

To process a change the licensing social worker completes the Foster Home Change Request Application ([DSS-5159](#)).

The complete change packet contains the following:

- Cover letter listing the contact information for the supervising agency licensing social worker
- DSS-5015: Foster Care Facility Licensing Action Request Form

- DSS-5159: Foster Home Change Request Application
- Other forms and documents depending on the type of change (See Guide to Completing Foster Home Licensing Forms)

Here are some things to remember when making changes:

- Timeframe - changes should be submitted within 60 days of the change. The change will be approved the date the Licensing Authority received the request or when complete and accurate information has been obtained;
- Documentation - fill in all required information and date all documents;
- The only signature required for changes is the licensing social worker;
- DO NOT FAX any documents without prior approval from the Licensing Authority.

3. Retroactive License Changes.

The Licensing Authority may approve retroactive changes for emergency placements. The supervising agency needs to contact the Licensing Authority to receive verbal approval for the change and then within five working days submit a change request by mail.

4. Adding a foster parent to a license.

If someone is added as a licensed foster parent, do not use a change packet. Instead, the Foster Home License Application ([DSS-5016](#)) and all required forms for initial licensure must be submitted to the Licensing Authority. Adding a parent to the license changes the household status and the current license is no longer valid. This situation often applies when a licensed foster parent marries or develops a relationship with a significant other.

Supervising agencies should provide instructions from the beginning of licensure to their single foster parent applicants about the importance of informing the supervising agency if their marital status changes or if they become involved in a significant relationship. The spouse or significant other will need to complete all licensure requirements and the supervising agency must submit a new Foster Home License Application (DSS-5016) adding the spouse as a licensed foster parent. If the foster parent develops a relationship that results in the significant other becoming a frequent visitor or spending the night in the foster parent's home, the significant other needs to complete all licensure requirements. The supervising agency must submit a new Foster Home License Application (DSS-5016) adding the significant other as a licensed foster parent.

F. [10A NCAC 70E .0706](#) FOSTER HOME TRANSFER PROCEDURES

The two subsections of this rule read:

(a) A foster home licensed and in good standing with the licensing authority may transfer from the supervision of a county department of social services or a private child-placing agency to the supervision of another county department of social services or private child-placing agency upon request. Procedures for transferring licenses include:

- (1) The current supervising agency providing copies of the most recent mutual home assessment, training, and licensing documents to the receiving supervising agency;*
- (2) The current supervising 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 previous supervising agency 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 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 90 days after the foster parents request to transfer to another supervising agency.

1. "Transfer"

Occasionally foster parents request to be supervised and supported by a supervising agency other than their current one. This request is called a transfer. Technically, the term "transfer" is only partially correct. When a foster family transfers from one supervising agency to another, their current license is terminated and they are reinstated with the new agency, receiving a new facility identification number. A transfer should enhance professional relationships. One of the most powerful keys to a successful placement is a good working relationship between foster parents and supervising agency. Keep the goal of providing consistency and support for the children in mind as you process a transfer.

The transfer process should be open and transparent. All three parties (foster parent, current agency licensing social worker, and receiving agency licensing social worker) should engage in open and effective communication and be involved in all steps of a transfer. Ideally, the current agency licensing social worker initiates a transfer when it seems another agency may be better suited for a particular foster home. At times, dissatisfied foster parents often approach other agencies. When this happens, the receiving agency licensing social worker should immediately contact the foster

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parent's current licensing social worker to discuss how to proceed. It is beneficial for each agency to maintain and nurture a productive working relationship. Working together on an individual transfer strengthens that relationship and increases each agency's ability to serve children in the future. Once all three parties are in communication, the transfer procedure is straightforward. Agencies need to have an understanding and agree when the transfer is to take place, to allow a seamless transition for the foster family and continued services for any child in the home.

Good communication between the current supervising agency and the receiving supervising agency is essential when foster children are in the home. The impact and ramifications on the foster children regarding the transfer of the foster home to another supervising agency must be carefully evaluated. The parents, guardians or custodians of the children must be notified and agree to the transfer. A Child and Family Team meeting for each foster child in the home must be held. The Child and Family Team must assess the service needs of the children and make a determination that the same level of service will be provided by the receiving supervising agency.

Once the current agency licensing social worker and foster parents have talked with the receiving agency and that agency has expressed a desire to supervise the foster parents, the receiving agency must submit the transfer packet to the Licensing Authority within 90 days of the foster parent's request.

2. The transfer process involves the following steps:
 - Foster parents sign a release form indicating their desire to transfer to another agency. Foster parents should discuss with their current agency the reasons they wish to transfer. (Sample release form is provided in The Guide to Completing Foster Home Licensing Forms)
 - The current and receiving agency must have a joint conference with the parents, guardians or custodians of any foster children in the home to discuss the transfer and obtain their agreement for the transfer of the foster child/children to a new supervising agency.
 - A Child and Family Team Meeting for each foster child in the home must be held. The Child and Family Team must assess the service needs of the children and make a determination that the same level of service will be provided by the receiving supervising agency and agree to the transfer of the foster child/children to a new supervising agency. The current agency, receiving agency and foster parents should attend this meeting.
 - The current agency provides the following to the receiving agency:
 - Most recent mutual home assessment
 - Documentation of training
 - Other licensure forms (e.g., fire inspection, environmental checklist, medical history, medical evaluation, TB test records, etc.)
 - A Foster Care Facility License Action Request (DSS-5015) turnaround (preprinted by the state) marked "terminate" in ink

- The receiving agency must complete the following:
 - A cover letter.
 - A new Foster Care Facility Action Request (DSS-5015) with current information.
 - Foster Home Transfer Request Application (DSS-5158).
 - A brief mutual home assessment demonstrating the agency is familiar with the family and aware of their skills and abilities. This update builds on the mutual home assessment completed by the current agency. The method of a mutual home assessment for transfer is the same as the initial assessment for licensure. At least one home visit must be documented and separate interviews are required for each spouse or co-parent in the household. A joint interview is required for co-parents and all members of the household.
 - The narrative description of the assessment of the family should be comprehensive enough to show that the worker in the receiving agency is familiar with the family and is aware of their skills and abilities. This brief mutual home assessment should build on and not repeat the information completed by the previous agency/agencies. This description should include the families experience fostering and what they have learned from this. This documentation should include the reasons for the transfer, the benefits this family will bring to the new agency and what their expectations are of the new agency. Dates of the home visits, office visit or face to fact contacts in other locations should be included.
 - If applicable, a Foster Home Relicense Application and packet.
 - If applicable, a Foster Home Change Request Application and packet if there have been any changes in the foster homes (the family has moved, change in household membership, etc.)

If the parents, guardians or custodians or child and family team do not agree to the transfer, the foster child can be placed in another foster home supervised by the current child-placing agency and the foster home (with no foster children) can be transferred to the receiving child-placing agency.

Some key points to remember when transferring a license:

- The new supervising agency should gather required information and send it in as one single packet.
- If requesting that a family foster home become therapeutic, include documentation that all caregivers have received the additional training required to provide therapeutic services.
- If the licensure period ends the same month as the transfer, a relicensure packet must also be completed.

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- The current agency is responsible for providing services to the foster children, their families and foster parents until the Licensing Authority approves the transfer.
- The current agency is responsible for payments to the foster parents until the Licensing Authority approves the transfer.
- No additional foster children shall be placed in the home until the transfer is approved.
- The executive directors of the current and receiving supervising agencies must sign the Foster Home Transfer Request Application (DSS-5158). The foster parents and the receiving agency licensing social worker must also sign this document.

To process a transfer the licensing social worker from the receiving agency completes the Foster Home Transfer Request Application ([DSS-5158](#)).

A complete transfer packet contains the following and is submitted by the receiving agency to the Licensing Authority:

- Cover letter
- DSS-5015: Foster Care Facility License Action Request from the current agency
- DSS-5015: Foster Care Facility License Action Request from the receiving agency
- DSS-5158: Foster Home Transfer Request Application
- A Brief Mutual Home Assessment by the receiving agency

If all the paperwork is complete, the transfer request received by the last day of the month will usually be effective the 1st day of the next month. For example a complete transfer packet is received May 11; the license will terminate from the previous agency on May 31 and be effective with the new agency June 1.

3. Recruiting Foster Homes from Other Child-Placing Agencies

Recruiting foster homes under the supervision of another agency is an unethical professional practice; it undermines the overall mission of child welfare and is not supported by the Licensing Authority. It is not illegal but it does negatively impact the practice and reputation of the agency 'stealing' the foster parent. Often this occurs under the guise of employees terminating employment from one agency and then working for another agency and insisting that foster parents want to transfer due to the previous relationship with the employee. In many instances, employees have actively recruited foster parents from their previous agency or have encouraged foster parents to actively recruit other foster parents from their previous agency.

The Licensing Authority strongly suggests that supervising agencies develop a policy that they will not accept foster parent transfers from the employee's previous agency for at least twelve months after the employee begins employment with the new agency and that a non-competing clause be added to their employment applications that clearly forbids the recruitment of foster parents from the employee's prior supervising agency.

It is difficult to maintain professional working relationships with other agencies that are actively recruiting foster homes that you have trained and developed. The natural reaction is to limit contact with such agencies to protect your foster families; however, doing this often promotes a climate of suspicion, acrimony and distrust.

G. [10A NCAC 70E .0707](#) TERMINATION

The two subsections of this rule read:

(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.

Foster home licenses are issued for a two-year period. If the Licensing Authority has not received all the relicensing materials by the end of that time, the license will automatically terminate. In other words, the license terminates if it is not renewed. The granting of a foster home license is a privilege; no one has a right to be a foster parent. The Licensing Authority licenses or relicenses a foster home, based on the recommendation of a supervising agency. It is the prerogative of the supervising agency whether to recommend a home for licensure.

1. Mutually agreed upon terminations.

Terminations can also be requested from the Licensing Authority when the supervising agency and the foster family mutually agrees it will be in everyone's best interest.

Terminations generally take place in one of three ways:

1. The termination request may be a mutual decision between the foster parents and supervising agency. There are various reasons the decision to terminate a license may be reached: a family may not be able to continue fostering due to other life obligations; they may no longer desire to foster; or may have adopted a child. In these types of circumstances, it is good to come to a mutual agreement to end the licensure relationship and submit a termination packet that documents the reason for termination. Submitting a termination packet also provides an opportunity to document any concerns noted while the family was licensed.

2. Sometimes the supervising agency may have extreme difficulty contacting the foster family, giving the agency strong, indirect evidence that the family no longer wishes to foster. Examples of convincing, indirect evidence of a family's disinterest in continuing to foster include moving without telling the agency and ignoring the agency's repeated efforts to contact them. In these cases, it is best practice to send a certified letter to the family documenting your attempts to contact them and informing them that if they do not reply by a specific date your agency will assume they wish to have their license terminated. Foster parent signatures are not required in this instance.
3. In other instances the foster home may be in good standing with the agency, but the relicensing paperwork is not submitted to the Licensing Authority on time. This should never happen if the licensing social worker keeps good track of when to begin the relicensing process for each family. If children are placed in the home at the time the license expires, the placement becomes illegal. As you get to know your families, you can adjust timelines based on how quickly they respond to your requests.

2. Lapse or failure to relicense

If a license terminates or lapses due to failure to relicense, the home can be relicensed if the paperwork is submitted to the Licensing Authority within a year of termination. The renewed license period will begin the date the relicensure packet is complete and the licensure period will be 24 months. For example, if a family's original license period is from January 2005 through January 2007 but the supervising agency fails to submit a completed relicensure packet by January 2007, the license automatically terminates. If a complete relicensure packet is submitted in May 2007, the family's new license period will be from May 2007 through May 2009.

If the license has been terminated for more than a year, a new application must be submitted. If the foster parents have not been licensed for two years, they will also have to demonstrate continued mastery of the 12 parenting skills to the supervising agency, or they need to retake the 30-hour pre-service training. Therapeutic foster parents also have to demonstrate continued mastery of therapeutic skills to the supervising agency, or retake the 10 additional hours of pre-service training. (See the section on the Mutual Home Assessment .0800 for ideas about how families might demonstrate parenting skills.)

3. Agency Reluctance

Sometimes a license lapses due to the supervising agency's reluctance to use a foster home. In some instances, an agency may choose not to place children with a foster family due to concern about the family's ability to provide foster care. Child placement is a privilege, something that is done at the discretion of the supervising agencies and based on their understanding of the child's best interests.

However, simply allowing licenses to lapse due to unaddressed or unresolved foster parent need is unethical and poor practice. It is not fair to foster parents, who have

devoted their time and resources in the hopes of caring for a child, only to be continually passed over without explanation. The “lapsing” path to termination can also be dangerous to children—if agencies shirk their responsibility to follow up on legitimate concerns, unsuitable families may move on to become licensed with another agency, thereby putting children at risk.

If the licensing social worker has concerns about a foster family, he or she should discuss them with the family in an open, respectful way. If licensing social workers need help with this, they should speak with their supervisors and colleagues. These are some of the most difficult conversations to have with families, but they are also crucial to maintaining safe foster homes for children. There may be times when additional training or support can address your concerns. If not, families deserve to know that your concerns are preventing you from placing a child in their home. In some cases, the family may transfer their license and go on to have a productive relationship with another agency. In other cases, the family may be unsuitable as foster parents.

4. Processing a termination.

To process a termination the licensing social worker completes the Foster Home Termination Application ([DSS-5160](#)).

The complete change packet contains the following:

- Cover letter
- DSS-5015: Foster Care Facility Licensing Action Request Form
- DSS-5160: Foster Home Termination Application

H. [10A NCAC 70E .0708](#) REVOCATION AND DENIALS

The eight subsections are explained below:

(a) The licensing authority may revoke or deny licenses when an agency authorized by law to investigate allegations of abuse or neglect finds the foster parent has abused or neglected 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.*

The Licensing Authority is the only entity that has the authority to revoke or deny a license. The decision to revoke or deny a license is made by the foster home licensing consultants, Regulatory and Licensing Services team leader, the Child Welfare Services

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Section Chief and a child welfare attorney. Supervising agencies may request and recommend revocation to the Licensing Authority by submitting form [DSS-5279](#). When completing this form, provide as much detail as possible regarding the infraction(s) supporting the revocation request.

1. Reasons for revocations.

The most common reasons for revocations are:

- the foster parent or a household member is found by child protective services to have abused or neglected a child and the CPS Judicial Review process has been resolved;
- the foster parent has used or allowed corporal punishment;
- criminal behavior of the foster parent or a household member;
- the applicants or household members are listed in the Provider Penalty Tracking Database (<https://providertracking.dhhs.state.nc.us/>); or
- The foster home is not in compliance with licensing rules, which may jeopardize the safety of a foster child.

When the infraction is a violation of a licensing rule, cite the rule, the date(s) of the violation(s), and the specifics of how each rule was violated. If abuse or neglect has been substantiated provide as much information that is available to you from child protective services or others.

It is important to work collaboratively within your agency and with the Licensing Authority to determine when revocation is necessary. Even though it can be difficult, revocation is safer for children than merely allowing a foster home license to expire or opting not to place children in the home.

2. Reasons for denial.

The most common reasons for denying a foster parent application are:

- the foster parent or a household member is found by child protective services to have abused or neglected a child and the CPS Judicial Review process has been resolved;
- criminal behavior of the foster parent or a household member;
- the applicants or household members are listed in the Provider Penalty Tracking Database (<https://providertracking.dhhs.state.nc.us/>); or
- Non-compliance with rule and policy requirements.

(d) Foster parents shall be notified in writing of the reasons for the licensing authority's decision to revoke or deny a license. When a license has been

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revoked, foster parents shall submit their license to the supervising agency so it can be returned to the licensing authority.

The Licensing Authority will send a certified letter to the foster parents informing them of the reasons for the revocation along with their appeal rights and a copy to the supervising agency. The revocation becomes effective 60 days after the mailing of the notice unless the foster parents appeal the decision. If the foster parents appeal the decision the revocation is not effective until a final decision is made by the administrative law judge hearing the case. After the revocation is finalized the supervising agency should obtain the foster home license from the foster parents and return it to the Licensing Authority.

This rule continues to read:

(e) The licensing authority may revoke or deny licensure to an applicant who has a finding that will place the applicant on the following:

- (1) Health Care Personnel Registry pursuant to G.S. 131E-256; or*
- (2) North Carolina Sex Offender and Public Protection Registry pursuant to Article 27A Part 2 of G.S. 14.*

(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 pursuant to Chapter 122C, Chapter 131D, or Article 7 of Chapter 110 of the General Statutes, and that a facility or agency had its license revoked;*
- (2) the applicant is the owner of a licensable facility or agency and that facility or agency incurred a penalty for a Type A or B violation under G.S. 122C, Article 3;*
- (3) the applicant is the owner of licensable facility or agency that had its license summarily suspended or downgraded to provisional status as a result of violations under G.S. 122C-24.1(a), or G.S. 131D, Article 1A, or had its license summarily suspended or denied under G.S. 110, Article 7;*
- (4) the applicant was the owner of a licensable facility or agency pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7, who voluntarily relinquished that facility or agency's license after the initiation of revocation or summary suspension proceedings, or there is a pending appeal of a denial, revocation, or summary suspension of that facility or agency's license; or*
- (5) the applicant has as any part of its governing body or management an owner who previously held a license that was revoked or summarily suspended pursuant to G.S. 122C, G.S. 131D, or G.S. 110, Article 7.*

(g) The denial of licensure pursuant to Paragraph (f) of this Rule shall be in accordance with [G.S. 122C-23\(e1\)](#) and [G.S. 131D-10.3\(h\)](#).

[Senate Bill 926](#) prevents the above individuals from becoming licensed as foster parents for a period of 60 months if any of the above administrative actions have been taken. These individuals will be listed in the Provider Penalty Tracking Database

(<https://providertracking.dhhs.state.nc.us/>). If an applicant's name appears in this database they are not eligible to become licensed as foster parents.

(h) Appeal procedures specified in [10A NCAC 70L .0301](#) are applicable for persons seeking an appeal to the licensing authority's decision to revoke 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.

When a foster home license is denied or revoked, foster parents have the right to appeal through the Office of Administrative Hearings. Appeal procedures are specified in [10A NCAC 70L.0301](#). If the Licensing Authority's action is reversed on appeal, the license is approved back to the date of the denied application or the date of revocation if all qualifications are met.

When an appeal occurs, the supervising agency social workers are usually asked to appear in court as primary witnesses. The fact that you may be asked to stand by your records in court underscores the importance of comprehensive and consistent documentation.

I. [10A NCAC 70E .0709](#) KINDS OF LICENSES

The two subsections of this rule read:

(a) Full License. A full license shall 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.

The Licensing Authority rarely grants a provisional license. When a provisional license is granted, it usually is to give an applicant the opportunity to correct a situation preventing full licensure. For example, a relative may be granted provisional licensure to make renovations necessary to care for a relative child who is in the custody of a county department of social services. Provisional licenses are time limited for six months and may not be renewed. If the situation that caused a provisional license to be issued is not remedied, then family is no longer licensed and cannot provide foster care.

The supervising agency's licensing social worker should consult the Licensing Authority before requesting a provisional license.

J. [10A NCAC 70E .0710](#) OUT-OF-STATE FACILITIES AND FOSTER HOMES

This rule reads:

The use of out-of-state residential child-care facilities and foster homes for the placement of children in the custody of a North Carolina county department of social services shall be in accordance with the following:

(1) Prior to placement into an out-of-state foster home, group home, child-caring institution, maternity home or any other residential child-care facility, the county department of social services placing the child in the out-of-state 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 county department of social services shall monitor the licensing and relicensing of the out-of-state foster home, group home, child-caring institution, maternity home or any other residential child-care facility 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) The county department of social services shall submit to the licensing authority written documentation that an out-of-state 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 Form for the child to be placed out of state has been signed by both states 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.

This rule pertains to county departments of social services (DSS). Before a child in custody of a county DSS is placed in a foster home, group home, child-caring institution, maternity home or any other residential child-care facility in another state, the county DSS must verify that the facility is licensed in the other state. For children placed in foster homes in other states, the county DSS must obtain a copy of the other state's foster home license, copies of fingerprint clearance letters and results of checks of child abuse and/or neglect registries. For children placed in group homes, child-caring institutions, maternity homes or any other residential child-care facility the county DSS must obtain a copy of the facility license and documentation that the facility has met child safety standards related to caretakers and direct care staff employed by the facility. The social worker must ensure that the out-of-state placement complies with the Interstate Compact for the Placement of Children (ICPC): this is completed with [DSS-1837/ICPC 100A](#). Policy regarding ICPC is located in [Chapter XI of the Child Welfare Services Manual \(Section 1605\)](#). See the following link for a summary of the Interstate Compact for the Placement of Children:

<http://www.nccourts.org/Citizens/CPrograms/Improvement/Documents/ICPC-summary.pdf>

Once the county DSS has evidence that the out-of-state placement is officially licensed and the [DSS-1837/ICPC 100A](#) has been filed, the social worker will send an out-of-state placement packet to the Licensing Authority and the Licensing Authority issues a license identification number so that federal and state funds may be used to support the care of the child placed out of state.