



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

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Courier # 56-20-25  
MSC 2408

Michael F. Easley, Governor  
Carmen Hooker Buell, Secretary

Pheon Beal, Director  
(919) 733-3055

September 7, 2001

**DEAR COUNTY DIRECTOR OF SOCIAL SERVICES;  
DIRECTOR OF PRIVATE CHILD-PLACING AGENCIES**

**SUBJECT: CHANGES TO FAMILY FOSTER HOME LICENSURE RULES**

The purpose of this letter is to inform you of several changes in the rules governing the licensure of family foster homes. Specifically, the letter describes changes to the rules concerning water quality and the issuance of waivers. Please make sure that all child welfare staff get copies of this letter.

### Water Quality and Sanitation

The application to family foster homes of rules adopted by the state Health Services Commission regarding sanitation inspections has been a source of concern for some county DSS agencies and private child-placing agencies for many years. As a result of the recent enactment of Senate Bill 541, N.C. General Statute 130A-235, which required sanitation inspections for all licensed or certified institutions, was amended to exclude family foster homes and therapeutic homes. This change removes the authority under which local health departments conduct sanitation assessments of the water supply and sewage disposal systems at family foster homes. The N.C. Department of Environment and Natural Resources (NCDENR) has informed local health departments that family foster home inspections are no longer required. This change may result in some short-term confusion within local health departments and social services agencies since the new law supercedes long-standing rules concerning sanitation inspections of all family foster homes.

The purpose of the new law is to improve opportunities for children and adolescents to be placed with families in communities where people do not rely on public water systems. For example, many potential homes in the western part of the state are unable to meet the water supply standards for institutions without incurring considerable expense. That burden has been removed by exempting family foster homes from sanitation inspection requirements. Even though the statute still makes reference to the location of wells and sampling requirements, the new exemption prevents those provisions from being applied to family foster homes. While health departments may continue to inspect wells and collect water samples as a service to property owners,

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reports will no longer be sent to licensing agencies. Sewage disposal problems can still be dealt with under the sewage treatment and disposal laws.

The Division believes that some basic standards relating to water quality and sanitation are necessary to ensure the continued health and safety of children in care. Consequently, we will be proposing new rules to the Social Services Commission to address this issue. **Until new rules can be adopted, your family foster home licensing staff must document in their records that they have had a discussion regarding water quality and sanitation with each prospective foster family and have assurances from them that their water and sanitation facilities do not create a health hazard.** This discussion will typically come in the framework of asking 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, your staff must observe that homes have sanitary toilet and bathing facilities. **You should not recommend a family for licensure if you have any reason to suspect that the water supply is not safe or that the toilet and bathing facilities are not sanitary.**

### Waivers

The Division recently received new information from the Administration for Children and Families (ACF) regarding the relationship of federal funding to the issuance of waivers to licensure rules for family foster homes. The federal requirement states, in order for any federal funds to be applied: "A waiver of a standard may be made only on a case-by-case basis and applied only to non-safety standards in relative foster family homes for specific children in care. This policy is consistent with section 471 (a) (19) of the Act which requires States to consider giving preference to relative caregivers, provided that the relative caregiver meets all the relevant State child protection standards."

**In light of this recent federal regulation, effective immediately, for all cases where there are IV-E or TEA eligible children placed in NON-RELATIVE family foster homes for which any waiver has been granted, county Departments of Social Services must change the children's eligibility category for funding from IV-E or TEA to SFHF (State Foster Home Funds).** Note that this change does not apply to waivers issued for relatives of foster children placed in their care.

At the time of receipt of this new information, our family foster home licensure standards were already under review by a statewide group of service providers and representatives of the Divisions of Social Services, Mental Health/Developmental Disabilities/Substance Abuse Services, Medical Assistance and Facility Services. The review is being conducted in anticipation that our Division will become the single licensing authority for family foster homes and therapeutic homes in early 2002. The changes being proposed should reduce the necessity for waivers to be issued. We hope that the revised rules can be in effect by January 1, 2002.

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On another waiver-related issue, we have recently received a number of requests to issue waivers for prospective foster parents for whom an abuse or neglect substantiation is documented in the Central Registry. In many of these situations, the county DSS licensing staff have not checked the Central Registry and have not discussed the case with their agency CPS colleagues. Please be aware that the Division's licensing staff will need exceptional amounts of information and assurances in granting such waivers in the future. We will also ask your CPR to review such waiver requests before we make a final decision.

If you have questions about the issuance of waivers, please contact Greta Reath (828) 669-3388 or e-mail her at [Greta.Reath@ncmail.net](mailto:Greta.Reath@ncmail.net). If you have questions about changing a child's eligibility category or the proposed changes to the licensure standards, you may contact Elsie Roane at (919) 733-4622 or you may e-mail her your questions at [Elsie.Roane@ncmail.net](mailto:Elsie.Roane@ncmail.net).

Sincerely,



Charles C. Harris, Chief  
Children Services Section

cc: Pheon Beal  
Paul Lesieur  
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Children's Services Team Leaders  
Children's Program Representatives  
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**CS-35-2001**